

Report
On the
Arizona Legislature
and
HOA Reforms
2000 - 2002

“The tyranny of the legislature is really the danger most to be feared, and will continue to be so for many years to come”.
.... Thomas Jefferson

George K. Staropoli, **Editor**

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Statement
Prepared for presentation to the
Homeowners Association Study Committee
Of the
Arizona State Legislature
August 14, 2000

My name is George Staropoli. I'm a homeowner speaking for myself, although I maintain an internet email service called "HOA Network". I am not here to gripe.

There is no vehicle, no avenue, no means of effective redress of grievances when it comes to a homeowner making legitimate claims that an HOA board has failed to conduct themselves as required by state law:

- **To act in good faith,**
- **As a prudent person would in a similar situation.**
- **The board has a fiduciary duty to its members.**

The homeowner needs an effective mechanism for the redress of grievances. It is for this reason that this committee exists. If there were no homeowner complaints we wouldn't be here today. The association managers didn't complain; the association directors didn't complain; the lawyers didn't complain.

As I look over the non-legislator members I see the non-complainers, the groups representing the status quo are present. They are representatives of their industry. I have no personal comments to make against any member of the committee.

Yet, I see an attorney who has been president of an association trade group chapter, Community Associations Institute, Inc, and is currently the Chair of their Legislative Action Committee for the Central Arizona Chapter.

CAI started as an educational non-profit firm in 1973, Today, it claims 16,500 members and states that there are some 205,000 homeowner associations in the country. That means, after some 27 years, CAI has only about 8%, at most, of the associations as members. It further states that some 17.8% of member dues are used for lobbying purposes in representing this 8% of homeowner associations. Its own brochures state that they speak for the industry. Maybe so, but they do not speak for the homeowners.

I also see a representative of a homeowners association on the committee. There is no minimum requisite knowledge required for association board members to govern the citizens of the State of Arizona. There are no licensing requirements for either board members or management personnel / firms to protect the citizens of Arizona.

And then there is the developer. The structure of the homeowners association is designed to protect the property values **for the developer** while the project proceeds to completion. When the developer leaves, and turns the association over to homeowner members to serve on the board, the structure remains the same. **It does not convert to an American form of government** with its inherent civil liberties and other protections provided under the laws of the land.

I posed the following question to the association directors and management firm subscribers on my internet network:

Do you feel that giving back civil liberties to the citizens of Arizona who live in your association would harm the association's property values?

There was no response from the 8 or so subscribers identified as management or association director subscribers. Why? Because there is no valid YES answer. America grew in just 225 years from a rag-tag collection of colonies to the greatest and richest nation in history with the Bill of Rights in place. There is no YES answer.

So the makeup of this committee reflects the reality of the homeowners associations. The moneyed, powerful organizations, including their attorneys, are here to be judges of themselves. The two homeowner representatives, representing the reasons for this committee's existence, must once again do battle with the same elements as found in dealing with homeowners associations. And with the same expectations of results.

Let me make a few points about the role attorneys for homeowner associations. They are very influential, because they do not have to worry about the State Bar's enforcement of Ethics Rule 1.13, dealing with "Organization as Client", which is not addressed by your committee's mission.

Lawyers, we are told, represent the association and not any one party. Yet, if a member complains to the attorney about violations of the governing documents by the board, you will most likely meet with, "I don't represent you since you are in conflict with the association". Under the rule, however, the attorney is required to advise the board accordingly that its acts are illegal and if the acts don't cease the attorney is to resign. The attorney has no fear of complying with or being sanctioned by the rule and in realty, then, the attorney represents the board.

There is no appeal of the State Bar's lack of enforcement of this rule to the Chief Justice. I am told by the Chief Justice's office that the Chief Justice does not get involved and that I can sue the State Bar if I wish. Once again a citizen's only real alternative is begin an expensive legal suit at his expense, while the wrongfully acting board can use homeowner dues to oppose the homeowner.

It is unconscionable that the board is allowed to use homeowner's funds while opposing the homeowner, and that the homeowner must dig into his own pocket for expensive legal fees in order to seek justice. **Something is seriously wrong here!**

I believe that this committee will come to the appropriate decisions necessary to alleviate the plight of homeowners living in homeowner associations.

Thank you for listening.

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Statement
Prepared for presentation to the
Homeowners Association Study Committee
Of the
Arizona State Legislature
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FOR RELEASE ON September 7, 2000

**HOMEOWNER'S
DECLARATION OF independence**

From homeowner association governments

Good morning Mr. Chairman. Good morning ladies and gentlemen of the Committee. Once more I reluctantly find myself before the committee to speak against my neighbors and other citizens of Arizona. I don't relish being here; however, circumstances and events have brought me here.

As in the times of 1776, a small, principled and dedicated group of citizens are seeking a redress of their grievances. They first looked to the existing government, the HOA Board, and having failed to obtain satisfaction therein, must seek other means of redress – a radical change in the concept and legal structure of the homeowner association and its controlling document, the CC&Rs. What is needed is an inclusion of a homeowners Bill of Rights and the removal of such onerous provisions that make the homeowner nothing more than an indentured servant, living at the suffrage of the board – pleased if the board is benevolent; living in fear if the board is oppressive. To quote from the Declaration of Independence,

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

"That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government . . ."

Mr. Chairman, ladies and gentlemen of the Committee, at this time I had hoped that the citizens of Arizona would be able to present and enumerate their long list of abuses, and solutions to these abuses, similar to those found enumerated in the

Declaration of Independence, without the interference and obstruction by elements of these “oppressive governments”. I see that this will not be the case. Continuing my quote,

“In every stage of these oppressions we have petitioned for redress in the most humble of terms; our repeated petitions have been answered only by repeated injury”.

The people of Arizona only wish to be able to present their case before this Committee in a fair and just manner. However, sadly I feel that, because of the composition of the committee they are being asked to justify their grievances before their oppressors; they are being put directly into a trial situation with their “oppressors” sitting in judgment. The homeowners, Arizona citizens in good standing, who find these truths to be self-evident, are being called to justify their complaints without the committee calling for the perpetrators to answer for these repeated acts against them.

Further injury has occurred by the acts and actions of certain members of this committee. These insidious acts do not help to arrive at a solution to our grievances or to propose revisions to the CC&Rs, but only serve to further alienate the homeowners. Here are a few statements from the “nation’s voice for” the industry:

- “the majority of boards quietly go about their business, and that the major problems are rare”
- “I am here to try and make the industry better ... I heard mostly complaints without any real suggestions on what can be done”
- “Perception vs Reality – Promoting a Positive Image at the state legislature”, from a CAI luncheon announcement on 8/17 sponsored by Mr. Ekmark’s committee”

I haven’t read any call for CAI members to “bring your solutions to the hearing”. This silence is perplexing when you consider the following quote from a paper by Prof. Evan McKenzie in CAI’s 1999 publication, *Community First!*:

“A homeowner bill of rights including basic constitutional liberties and due process of law, all consistent with functioning local democracy

“plain-language CC&Rs that make the basics easy to understand so that it is fair to expect compliance

“Too often neither the association members nor the candidates for the board understand ... what the director may and may not do . . . “It may be that government can help here -- through licensing, certification, public complaint, and continuing professional educational requirements.”

In over 5 months since this committee was announced, I have not heard said:

“We agree that homeowners have been denied their civil rights and we will work with you for their restoration”, or

“We will join with you in helping to stamp out those boards that violate state law and the governing documents, including those management firms and attorneys that conveniently look the other way”

Today we seek the replacement of the homeowners association form of totalitarian government as set forth in the CC&Rs. We seek, among other changes to the CC&Rs, the inclusion of a homeowners’ bill of rights, restoring those rights that every American is entitled to and should enjoy in today’s society.

This committee has an historical opportunity to eliminate this dictatorship form of government that denies civil liberties for the betterment of and in the interest of the state, the homeowners association, with its façade of democratic principles and allure of a better world, and restore those principles of American democratic government to the citizens of Arizona. You, ladies and gentlemen, can put a stop to dictatorship in the midst of America by proposing a homeowners’ bill of rights along with additional restrictions and legal sanctions against the abuse of these rights by boards of directors, management firms and attorneys who supposedly represent the association. We need to re-write the CC&Rs.

Thank you for this opportunity to speak before you.



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Statement
Prepared for presentation to the
Homeowners Association Study Committee
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FOR RELEASE ON September 28, 2000

Good morning Mr. Chairman. Good morning ladies and gentlemen of the Committee. My name is George Staropoli. I'm a homeowner speaking for myself, although I maintain an internet email service called "HOA Network". I am not a lawyer nor do I give legal advice.

As to the myth that the HOA attorney represents the association and all the parties within the association. How can that be? That's another legalese that's an oxymoron due to its built-in conflict of interest.

So whom does he attorney represent? That's a rhetorical question since, in reality, we all know who the attorney represents – the board of directors. They are supposed to act in the best interests of the association, their client. Somehow, somewhere along the line some attorneys lost the distinction between their client and the representatives of the client, the board of directors. Some even step over the line and defend the directors and officers against charges by the members of violations of state law and of the governing documents. They act in collusion with the board against the best interests of their client, the association.

Why? Because they know that there is no enforcement of the rules and no penalties against them if they violate their code of professional conduct, in other words, act unethically. They know the homeowner can't afford to sue using his own's money while the unscrupulous board uses the association's money.

It's important that we examine what is going on here, because almost all those horror stories and complaints could have been prevented, or severely curtailed, if the attorneys acted in an ethical manner instead of against the best interests of their client.

The Rules of Professional Conduct of the Arizona Supreme Court, ER 1.13 states,

- “(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents”.
- “(b) If a lawyer for an organization **knows** that an officer, employee or other person associated with the organization is engaged in action, **intends to act** or refuses to act in a matter ... that is a violation of a legal obligation to the organization, or a violation of law ... the lawyer shall proceed as is reasonably necessary in the best interest of the organization.”

Clearly, the ethical actions of the HOA attorney are proscribed in ER 1.13. It is important to follow a real example of how this rule is ignored by some attorneys and how attorneys actually coach the HOA board as to how to proceed if a complaint is made against them. In other words, not to act in accordance with state law and the governing documents, but to protect the board’s “turf”.

There is a case relating to ER 1.13 in which the State Bar saw no problem with an attorney, Beth XXXXXX, who represents the Las Colonias HOA, refusing to comply with paragraph ER 1.13(b) when she was given certain statements written by the HOA President, Dick XXXXXX, alleging an opinion from the attorney. The case involves the President’s desire to charge some homeowners interest on monthly payment of assessments and not charge other members. The simple CC&Rs article reads, **“Both special and annual assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly basis”**. Period!

The President didn’t like this wording and was charged to get an opinion from the attorney. Some 6 months after the annual meeting the President states, “It is the opinion of the HOA attorney that charging interest on assessments still treats all members fairly and uniformly”. This is a verbal statement and neither Dick XXXXXX nor Beth XXXXXX feel it necessary to put her opinion in writing. It side steps the issue of interest charged to some members in violation of the CC&Rs. What is going on here? Not justice. Just protecting the President’s rear parts against the best interest of her client, Las Colonias HOA.

Now this is not a question of alleged wrongdoing, since the wrongdoing had been provided by the President’s own letter. So, we don’t have an issue with her not knowing of wrongdoing. Yet, Ms XXXXXX, the Executive Director and President of the State Bar saw no problem with the dismissal of the complaint. (My reply to the State Bar is included as part of this statement). This dismissal is outrageous in view of the fact that the board uses HOA funds, money paid by the homeowners, to defend their unlawful acts against the homeowner.

Let me slip in statements regarding the attitude of Ms XXXXXX. Ms XXXXXX in her response to the complaint falsely refers to a lack of payment of assessments by me, implying a current condition when in fact it took place some 8 years ago and was resolved to the satisfaction of all parties. She further stated that since I am in conflict with the association, she doesn't have to represent me. Here we have the attorney saying, "I can't represent you because your interests conflict with those of the board". Who asked her to? Here we have the attorney saying, "that advising the board as to their unlawful acts is not in the best interests of the association". In a response last week to my attorney regarding this illegal charging of interest, she now changes her defense to "the association is allowed to charge interest on late payments". She ends the letter to my attorney with an "in your face" arrogance, "if you feel you have valid claims, sue the association" and don't talk to me anymore about it. Sure, she has association money to pay her.

This week in my replying to a letter sent to the President regarding the disappearance of some \$10,000 from the books of the association without any explanation – an example of total incompetence, or falsified statements – I get the same "in your face" reply and no response to a legitimate question of where's the money?

Unscrupulous attorneys know they can get away with flaunting the law because of the lack of enforcement. Pretending to be prim and proper, they actually act unethically. Beth XXXXXX's actions and words as stated above conflict with her public persona as stated in a Nov 12, 1999 article in the Republic:

"Phoenix attorney Beth XXXXXX, who represents about 120 associations, acknowledges that some groups may go too far, being overly aggressive or maybe using the board's power to strike back against those they don't like."

In effect, the State Bar in refusing to uphold this ethics rule in the case of HOAs has said that the attorney does represent the board of directors. Either the attorney represents the association and not the board, or the attorney represents the board. If indeed the attorney does represent the board as the State Bar's decision makes all too clear, then any statements made to the contrary by attorneys, management firms and boards of directors are false and misleading and should cease immediately. Furthermore, given the above, any member of an association probably has a strong case for a class action suit against his attorney, his management firm or board of directors if such statements were made by any of them, and against the State Bar, too.

You asked for solutions. This rule, ER 1.13, must be enforced either by fines and suspensions of the attorneys by the Attorney General, since the State Bar is not

impartial.Or, an alternative solution if this turns out to be a serious political problem, through a “public defender” lawyer paid for by the association; or by the board members being required to use their own personal funds to defend themselves against charges of violations of state law or of the governing documents. This is called “a level playing field”.

This ounce of prevention will generate a pound of cure. It is a very effective “checks and balance” on the board of directors. The solution is very practical since it does not deal with high principles, but with self-interest pocket-book concerns. Boards will think twice before they attempt to intimidate homeowners and violate the governing documents. The HOA attorney will think twice about his responsibilities and who will pay him. This will be especially so if fines and penalties are also made part of the law.

Thank you for this opportunity to speak before you.

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GEORGE K. STAROPOLI
Scottsdale, AZ

January 2, 2001

State Senate

1700 West Washington
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Dear Senator:

Let me first wish you a very successful year for the upcoming legislative session.

I am a 16-year resident of Arizona living in a small homeowners association in Scottsdale. You are undoubtedly aware of the recent media attention to problems in these associations as well as the results of the HOA Study Committee just ending this past December. I have been an active participant for homeowner rights and HOA reforms, producing several articles for the web site, presenting papers to and speaking before the HOA Study Committee, and being quoted in several nationwide publications. I maintain internet email sites, <http://starman.com/HOA> and <http://pvtgov.org>, and an email list service, HOA Network, with an nationwide membership. I've started a membership, non-profit organization, Citizens Against Private Government HOAs, working to bring important and full information about living in an association to the attention of the public, the media and Arizona legislators.

Let me say that the Study committee did not do the job it intended to do – it failed to protect homeowner's rights and did not examine at all the practices of the special interest groups, the management firms, that had representatives sitting on the committee. It is my strong conviction, as well as that of others who have been seeking homeowner rights nationwide, that these special interest groups with the inclusion of the associations and attorneys working in this area that have deliberately mislead the legislature, the media, the public and the buyer of an HOA-controlled property. The question comes to: Can the homeowners association maintain property values, as it is charged by virtue of the CC&Rs attached to the development, and not deny its homeowner members the basic civil liberties and rights that are guaranteed to all citizens of this state and this country?

Senator Smith, at the committee hearings and in the press said, "I don't want to hear any more horror stories" from citizens speaking before the HOA Study Committee. The committee has received thousands of letters and emails as Senator Freestone stated

at the first hearing. No, we are not a few “malcontented and disgruntled homeowners” as stated publicly by the leading trade group, CAI, in the media, in the Arizona School of Real Estate’s monthly publication and in their own monthly publication.

I have asked at the committee hearings, on the national CAI email list, and in my articles,

“Do you feel that giving back civil liberties to the citizens of Arizona who live in your association would harm the association’s property values?”

I have stated before the committee that I have not heard CAI say,

“We agree that homeowners have been denied their civil rights and we will work with you for their restoration ... We will join you in helping stamp out those boards that violate state laws and the governing documents ...”

Yet, you, the legislators and the public, are still being told by the special interest groups that there is always a discontent minority and we should not upset things for the 95% of the associations doing things right. Well, it’s this arbitrary and unverified 5% that need the protection of the laws of the land to stop abuses, oppression, intimidation, loss of home and possible financial ruin as a result of HOA boards of directors failing to follow state law and their obligations under the associations governing documents. Why? Because the enforcement of the CC&Rs falls into the hands of a non-profit corporation called, essentially, the homeowners association. The HOA is a private corporation and not a civil government and thereby allows the boards of directors to disregard the rights of its homeowners and prevents the state from taking actions against the unlawful acts of these boards.

Yet, you, the legislators and the public, are still being told by the special interest groups that the homeowner signed an agreement which is a private contract and outside the protection of the civil liberties we all have come to expect and are guaranteed by the Bill of Rights. No mention is made, by the special interest groups, of the fact that the average homeowner does not understand that he surrendered his civil liberties when he bought his home. No mention is made that the average homeowner cannot fully comprehend the 8 page home purchase contract, nor the 100+ pages of the governing documents he is supposed to receive, nor that he was not given a 5 or 10-day “escape” provision to cancel his contract if he was not satisfied with the documents he read.

There are those who argue that this is wrong, that this is un-American and violates the American system of government and principals and values of justice for all and fair

play. Studies regarding these problems with HOAs have been conducted by several university researchers: Evan McKenzie, Stephen E. Barton and Carol J. Silverman, to name a few. There was even a study conducted in 1992 in Arizona regarding the problems with homeowners associations. There are those who argue that it is now time for the legislators to seek out the truth, the full story, regarding the private government aspect of homeowners associations and take steps to remedy this unjust and unequal application of the laws against homeowners living in associations.

I am seeking effective legislative reform to bring justice to homeowners and hold the HOA boards of directors accountable as we currently hold our civil government accountable. Yet, you, the legislators and the public, are still being told by the special interest groups that

- if you hold HOAs accountable,
- if you seek to have only knowledgeable and informed persons, through training requirements, be able to hold a position of authority in an HOA,
- if you require the licensing HOA management firms as property managers are required to be licensed

all of this will cause homeowners not to volunteer to serve on the HOA boards and will thereby result in the failure of the association. The implication here is that property values will erode because an association is the only method to ensure property values. This is the same false conclusion that the courts have ruled on: to allow an association not to enforce the payment of assessments through foreclosures on homes would cause serious harm to the association.

Do not fall for these arguments seeking to generate false fears. What we have here is the special treatment of a person, the HOA, by the government so it can't fail. What we have here is the special treatment of a person, the HOA, permitting it to govern citizens while denying them the rights guaranteed to all citizens under the Bill of Rights – due process and the equal protection under the law.

What do we have here?

- The Arizona legislature passing laws in violation of the Arizona Constitution that forbids enacting laws favoring any one individual or person.
- The creation of an un-American system of government, the private HOA-controlled property government, where the foremost purpose of the government is not the protection of the freedom and liberties of its citizens, but the subversion of these basic American principles to the “state” goal of maintaining property values.

I have therefore, not being at all satisfied with the performance of the HOA Study Committee, prepared my own proposals for HOA reform and the restoration of homeowner rights. I am not seeking anything that is not the right of any citizen. I am not seeking to destroy homeowners associations, but to seek justice for homeowners. I have taken pains to make as little changes as possible to existing statutes, relying on existing laws and their modification for application to the problems with homeowners associations. Included with this letter is my draft proposal for a legislative bill to be introduced at this legislative session.

I urge all legislators to sponsor and support these proposed legislative reforms.

Sincerely,

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HOAs are Big Business

Submitted as a Commentary to the Arizona Capitol Times
Apr 24, 2001

It has been just about a year since ex-Senator Tom Freestone was able to get the legislature to create the HOA Interim Study Committee that met from August to December of 2000. The mission of the committee included "To (1) review the effectiveness of current homeowner association laws in ensuring the rights of homeowners are protected; (3) examine the role of management companies hired by homeowner associations."

I feel the committee had failed to effectively to meet items (1) and (3) relating to protecting the rights of homeowners and investigating the practices of management companies, respectively. As for item (3), the committee never called any of the management companies to answer for the charges made against them by the homeowners and therefore, could not come to any unbiased conclusion.

Pat Haruff, HOA committee member and homeowner representative, writes, "The most frustrating part of the legislative process is that 'Joe Citizen' is really NOT a 'part' of the process ... In the final analysis the ONLY persons who have ready access and plenty of contact with YOUR representative are the Lobbyists for the many Special Interests."

To place these issues in proper context let me say that the intrinsic legal structure of the HOA is defective and that the problems with HOAs are not the grumbling of a "disgruntled minority". It's a nationwide problem and Arizona had an opportunity to do the right thing and failed. Shu Bartholomew, host and producer of On The Commons, uses the slogan "You are now leaving the American Zone" to call attention to the private government nature of these nonprofit corporations, with their denials of the civil liberties that Americans are entitled to. There have been Supreme Court cases in other states that decided that certain acts by HOAs are "an unconstitutional delegation of government powers". Yet, homeowners are still being held to a so-called private contract arrangement between HOA and the homeowner that is arguably voidable for 2 reasons: it denies homeowners their civil liberties and there has not been a true "meeting of the minds" with a full disclosure of what living in an HOA really means.

What the legislators and the public are not being told by the special interest management firms, lead by the leading trade group, CAI, that, as Ms Bartholomew states, "Property values and the quality of their lives are subject to the whims of their neighbors and the honesty or lack thereof of management". As Rick Happ from North

Carolina Property Rights says, “Even a well directed HOA is "one election away" from tyranny ... The HOA problem is a national problem that needs to be addressed on a Federal level.”

“Why”, I ask, “have the Arizona legislators failed to see these basic violations of the American way of government and fair-play?” Because HOAs are big business! CAI, the special interest lobbying trade group, vigorously attacked homeowners seeking to call attention to these problems in the HOA committee, in the legislature and in the media. And the legislators sat silent and wouldn’t even remove this impediment to the redress of grievances from the HOA committee. Cities and towns get infrastructure paid for by developers rather than having to raise taxes to pay for expansion, creating these private governments that denial civil liberties. This is the extent that special interests have spread their myths about HOAs, permitting government officials at all levels to look the other way. HOAs are big business!

Does the legislature want to solve the HOA problem?

Letter to the Editor of the Arizona Capitol Times
May 27, 2002

Another year has gone by and still the Arizona Legislature has failed to deal with the horror stories involving rogue homeowner associations. The two main bills, sponsored by Sen. Gerard and Rep. Voss, both failed to address the heart of the problem: unregulated HOA boards that abuse homeowners and operate outside the laws of the land. The press has referred to these reform bills as “middle ground”, “a first step”, “baby steps”, “baby reforms” and after the demise of the combined reforms into HB2604, a “consumer bill”.

These bills were not middle ground, but just that -- baby steps. Citizens expect adult solutions to adult problems from their elected representatives and not childish solutions. The bills followed from last year's SB 1368 which arose out of the failings of the HOA Study committee of 2000, with some changes, but avoided any substantial redress of grievances. The legislators have ignored many materials provided to them in support of the homeowner advocates' positions from political scientists; from research reports in CAI publications disputing CAI's own statements to the legislators; and US and state Supreme Court and Appeals cases reflecting on questions of constitutionality of certain HOA functions and powers.

Requests sent to the legislative leaders asking that they fund an independent and unbiased research study, by a bona fide and respected “think tank”, went unanswered.

There has been a recent case in the US 9th Circuit Court stating that “state actors” cannot deny citizens their civil rights. And the US Supreme Court had ruled that private corporations exercising public functions, or to whom the state gives support with its coercive powers or encouragement, are “state actors”. Everyone will agree that HOAs fit well into this classification and cannot, therefore, deny homeowners their civil liberties.

At the March 25th meeting of the House Commerce & Economic Development Committee, during a discussion of HB2604, Rep. Somers asked Rep. Voss about the constitutionality of HOA monetary penalties (fines). She deferred and Mr. Carpenter, president of CAI, replied to this question that he “really wasn't aware of what the argument is ... but the argument in the abstract, to me, is not sufficient to remove the power to fine....” Advocates Haruff and Staropoli set the record straight with citations

of the court decisions and gave a summary of the opinions – “is an unconstitutional delegation of government powers”.

You will, as of this writing almost 2 months later, not find this important discussion raising valid issues of constitutionality concerning the functions and rights of HOAs in the official minutes of this meeting. Requests to correct these minutes, and to reflect legitimate, legal concerns by homeowner advocates as to the true nature of the issues being raised by a Representative, have gone unanswered by the Speaker and the committee chairman. This is highly unethical. To blame it on some clerical error is outrageous and an attempt to cover up the failure of the committee members, who must approve any minutes, to insure that the minutes do not mislead the public.

An investigation is warranted to determine if there was undue pressure put on the House staff or committee members by private parties to omit these important statements from the minutes. These statements were made by the public at an official legislative committee meeting. It is these minutes that are readily available to the public, and not the audio tapes.

What is happening to Arizona? Why are the legislators so opposed to an open discussion of all the factors involved in solving the HOA problem? This is the only real way to end the horror stories.

George K. Staropoli
Citizens Against Private Government HOAs