



5419 E. Piping Rock Road, Scottsdale, AZ 85254-2952
602-228-2891 info@pvtgov.org http://pvtgov.org

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by: George K. Staropoli

In my August 4, 2011 Commentary, [Exercises in futility – demanding the HOA to comply](#), I wrote,

The bottom line is that the homeowner must sue to get the HOA to meet its obligations under the law – no state agency is going to get involved. These exchanges [that quite clearly present valid laws that are being violated] only serve as evidence of the board's bad faith actions and flagrant violations of its obligations. . . . The continued presumption by state legislatures that the HOA will act in good faith and obey the law and governing documents has been dis-proven time and time by the HOA's wanton abuse of the laws.

As a concrete example of a lack of good faith by HOA attorneys, that smells of aiding and abetting the board to get around the letter and intent of the law, is the newly effective Arizona statute permitting the videotaping of board meetings— like permitted in truly open public government meetings. Just 2 weeks after the signing of the bill into law, and still 3 months away from its effective date, the CAI member attorneys at Carpenter Hazlewood (CHDW) began their campaign against this open meeting law. They began by offering suggestions as how HOAs can adopt what CHDW considered reasonable rules. No board came forward and said, “How do I beat this law and protect the board?” as far as I know. (Such actions by a board would in itself be a violation of its duties of good faith to the owners as a whole).

Three times within a single week the apparently desperate attorneys published their “reasonableness” guide to illustrate how to avoid the intent of the laws in an “us against them” mentality. (See [Videotaping Board Meetings – “Reasonable Rules”](#), Apr. 29, 2011 (repeated on the CHDW blog of Apr. 30, 2011; in Carpenter's 80 page [IMPLEMENTATION MANUAL ARIZONA COMMUNITY ASSOCIATION LEGISLATIVE CHANGES](#) handout of May 5, 2011).

They were obviously desperate since CAI lost its heavily contested bill, HB 2441, to permit a 1/3 minority to change the HOA's “constitution,” the CC&Rs, in a direct assault on American principles of democratic government. The bill would have strengthened the hold of the political machines, that small group of power players, to act with greater ease. All under the control of the HOA attorneys with help from the management firms.

Returning to the example at hand, Carpenter Hazelwood, through the management firm of AAM, the board informed the members of the Tatum Highlands CA board's [“reasonable” restrictions](#) that, as

usual, are one-way against the homeowner. Note that the HOA government is restricting free speech by not allowing dissemination or publication of the videotapes. Now, why would anyone videotape the meeting if not to distribute it for others who did not attend the meeting? What is the board afraid of? Some hanky-panky goings on?

Note the requirement for a homeowner's consent. I think they took a hint from my *Truth in HOAs Disclosure Agreement* knowing that nobody would sign the videotaping consent. They would then use it one way or the other regardless of whether or not the homeowner signed the form – as they saw fit. Shades of “show me your papers” and “we have a dossier on you.”

You would think that the board, if acting in good faith and not following hostile attitude reflected in the CHDW reasonable rules of April – May 2011, would, on its own, in good faith, make such recordings itself and allow the members to view them, just like in public government. Wouldn't that be an act of good faith, “we have nothing to hide spending your money.”

Note that the HOA attorney's hand appears nowhere, unless there were minutes taken and available to the membership. Where did these rules come from? The air? Or was the board given a document to sign by AAM, or the attorney, and simply rubber stamped the new “orders” of the state? Why would they adopt such a repression, adversarial attitude? Who' coaching them?

It is quite clear that CAI does not act in good faith with respect to either the letter or intent of the laws. Rather than adopting the CAI Central propaganda that calls for creating harmonious, vibrant communities, which the homeowners can be proud of, its minions seek total advantage for the HOA.

State legislators must face up to reality of acts of bad faith by CAI attorneys and put a stop to this madness in no uncertain terms!

Videotaping board meetings: Ariz. Sess. L. Ch. 50 (HB 2245, sponsored by newly elected Rep. Heather Carter) was signed by the Governor on April 12, 2011.