



Surprise, AZ <http://pvtgov.org>

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CAI personal agenda fails to support member protected free speech to criticize HOA boards

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A. Defending the faith

The Tinnelly Law firm blog states up front in big letters, “[HOA LAWYER BLOG.](#)” As for the content, the following quote sums up the view of the Tinnellys.

“The lack of regulation on social media communications can cause neighborhood tensions and smear the reputation of a community, causing a negative effect on property values. This has led many homeowners associations to develop protocols and guidelines with regard to social media. “

(Some research shows Tinnelly is solid CAI with the owners, Richard and Stephen Tinnelly as members, as well as Director Acosta and article attribution to lawyer Kim.)

The article argues that it is those *malcontents, those troublemakers who* are to blame (my words adopted from my early years as an activist as used by CAI attorneys responding to homeowner complaints in the news). But violations by HOA directors and BODs are not the cause of lowered home values (a favorite scare tactic) as CAI has argued. The article itself reflects the fears by CAI attorneys that they are losing control of the info being dolled out to the members.

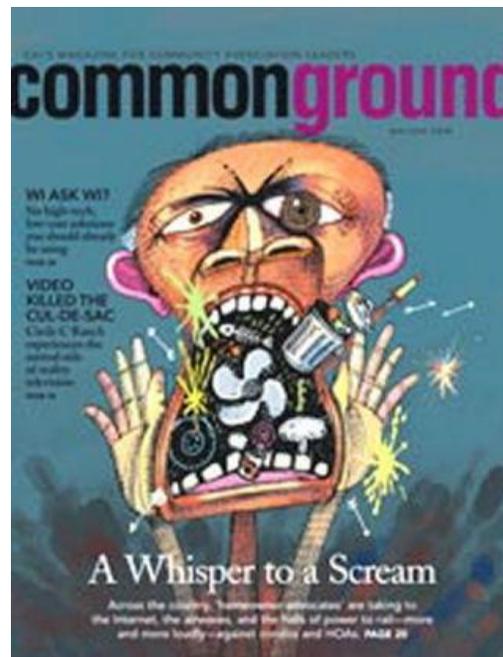
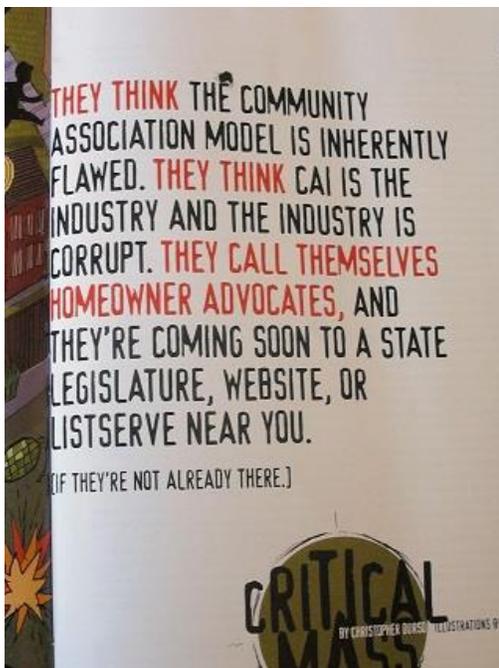
The author[s] proudly proclaim that HOAs are regulated and controlled by means of the governing documents and that the free speech statements by homeowners must also be regulated and controlled. The authors echo the principles and teachings of the *CAI School of HOA Governance*. The foundation and principles of the *School* can be traced back to CAI’s Public Policies, **The CAI Manifesto** (its 2016 “white paper”), its numerous seminars and conferences, its Factbooks and surveys, its amicus briefs to the courts, and its advisories, letters, emails, newsletters, blogs etc. I have designated these foundations and principles collectively as the **CAI School of HOA Governance**.

B. The evil empire strikes back in 2006

In my formative years as an activist (2000 - 2007, approximately) CAI then lamented about the loss of control over the internet email lists (now replaced by social media and private websites by homeowner groups presently upsetting CAI); addressing these concerns in its May-June **2006** Common Grounds magazine (see "[The Lone Ranger has never stopped fighting for HOA truth and justice.](#)")

Editor Chris Durso wrote in reply to my refusal to participate in the interviews,

"that he'd [Staropoli] be more comfortable with a debate or similar format where he could express himself at length, without the risk of being quoted out of context. He asks that his prolific writings on the CCLG website speak for him. It's unclear how many members Staropoli has attracted to CCLG—Carpenter calls him a "lone ranger"—but certainly his approach is more philosophical than other advocates'. Says Carpenter: "George Staropoli believes he's leading a revolution.... To him, this is a struggle against tyranny. And he uses that word all the time."



Over the past 15 years I've not had a response from CAI, its members, its supporters, or its skills. In its message to all members, my HOA (9,200 + units) president (fondly calling himself "databoy," I guess to give an air of validity) had the nerve to recently address this issue of free to criticize the BOD. He made the same totalitarian, authoritative arguments against homeowner free speech with respect to HOA governing issues. The Tinnelly article is also a current reaction to homeowner criticisms of the HOA model of government.

C. *Protected speech to criticize the HOA on governing issues*

In my 2021 amicus brief to the AZ supreme court in *Tarter v. Bendt* (CV-21-0049-PR), I made the case for homeowner justice quoting from two state legislative HOA studies (NJ and SC) and two state supreme court opinions (NV and CA). (See [Can HOA members expect justice in Arizona courts?](#) Scroll down to second half beginning with, “So, in particular, what is wrong . . .”).

- “Because we conclude that each of Kosor’s statements [NV Supreme Court] was “made in direct connection with an issue of public interest in a place open to the public or in a public forum;”
- “As our [California] Supreme Court has recognized, owners of planned development units ” ‘comprise a little democratic subsociety’”;
- “The Hannaman 2002 study (NJ) was quite frank and revealing describing problems and complaints still in existence some 19 years later”;
- “Among its findings [South Carolina HOA study committee] were . . . ‘While the Community Association Institute (CAI) and other private entities offer educational resources to homeowners and managers, state government cannot place the sole responsibility of educating homeowners and board members on a private entity’”.

I concluded with

“This Court, or any court, cannot allow a group of individuals or organizations to create a devise in order to escape constitutional protections and enter into a contract, constitutionally valid in all other aspects, to form private local governments; whose members remain citizens of this country as well as of their respective states. It, as it stands in regard to HOAs, makes a mockery of the Constitution and our principles of a democratic society.

“The free speech issues of limited-purpose public figure and of HOAs and social media as public forums with respect to political HOA governance issues have been raised and need to be addressed.”

See also, [Pro Se Bendt amicus brief accepted by AZ Supreme Court, HOA limited-purpose public directors and officers, The continuing saga of Bendt and public speech in HOAs.](#)

D. *A call to action by advocates*

As long as state supreme courts continue to ignore and fail to address fundamental questions of the validity and legality of the HOA legal scheme stemming from *The Homes Association Handbook* (1964), America will continue to morph into HOA-Land,

that fragmented collection of HOAs that are de facto independent principalities. [See Staying the course to apply the US Constitution to HOA-Land.](#)

As long as advocates themselves fail to carry the torch and seek a redress of grievances supported by favorable court decisions and legislative and think-tank studies, HOA-Land will continue to spread. They are your legal authorities to confront and expose CAI's agenda. Anecdotes, unsupported stories, opinions, and feelings do not count in the courts.

The record must be set straight on articles, commentaries and studies like the Tinnelly post addressed here. Otherwise advocates don't have a leg to stand on.

E. *Acknowledgements*

My thanks to proactivist Marjorie Murray, President, Center for California Homeowner Association Law (www.calhomelaw.org) for the tip on the HOA Lawyer Blog. And many thanks to the others who have contacted me over the years allowing me to confront, expose, and challenge these half-truths and misleading information, especially from CAI and its shills, about life in HOA-Land.