



June 12, 2026

VIA EMAIL AND CERTIFIED MAIL

Board of Directors

Santa Rita Ranch III Homeowners Association

James C. Newberry, President

Troy "Ty" Schwartz, Vice-President

Kaitlyn Young, Secretary/Treasurer

c/o AAM, LLC / Associated Asset Management

Attention: Community Manager

215 W. Giaconda Way, Suite 161

Tucson, AZ 85704

Email service to: kinskeep@associatedasset.com

CC: noel.hengst@associatedasset.com; 

Re: Formal Legal Inquiry and Records Request Regarding Architectural Review Committee Open-Meeting Compliance

Dear Board Members:

I am a member of the Santa Rita Ranch III Homeowners Association and write to place the Board on formal notice of a governance and compliance issue involving the Association's Architectural Review Committee / Architectural Committee process.

This request is prompted by the apparent absence of published ARC meeting notices, agendas, minutes, attendance information, or meeting-access instructions available to members for 2026, despite continuing ARC application activity. If such notices, agendas, minutes, attendance records, or access instructions exist, please identify where they have been made available to members.

This request is also prompted by an April 23, 2026 Facebook Messenger exchange with Director Troy "Ty" Schwartz in which he stated that ACR applications were being approved through Board emails and that some applications had not been approved because management had not forwarded them to the Board. That statement raises substantial questions about whether ACR/ARC decisions are being routed through management and approved by email or Board communication rather than through noticed open ARC committee meetings.

That same Messenger exchange also includes statements by Director Schwartz that Board members decide whether landscaping, trim-light, and exterior-modification requests are approved, and that ACR is "just a formality" in practice. Those statements raise further questions about whether architectural decisions are being made by the Board, by a properly constituted ARC, or through an informal process outside open meetings.

This request is further prompted by a Facebook community-page thread in which Board members responded that meetings are open but did not identify any ARC meeting date, time, location, access method, notice location, agenda, minutes, or schedule. In that thread, members repeatedly asked when and where the ARC meets, and the visible responses redirected the issue to Board meetings or declined to answer the process question on Facebook.

This letter concerns whether ARC applications are being reviewed, discussed, voted on, approved, denied, or approved with stipulations through private email, portal workflow, management routing, written consent, informal consensus, or other non-open procedures rather than through committee meetings open to Association members as required by the Association's Community Guidelines and applicable Arizona law.

This is not an objection to timely ARC approvals. Homeowners should be able to obtain timely review of backyard, landscaping, hardscape, pool, wall, lighting, patio, and other improvement requests. The issue is whether the Association is using a process that complies with the governing documents and A.R.S. Section 33-1804.

For purposes of this request, "ARC" includes any "ACR," architectural review, design review, architectural committee, Board, management, portal, or email process used to review, route, approve, deny, approve with stipulations, or otherwise decide owner architectural applications.

I. Governing Documents

The Santa Rita Ranch III Community Guidelines, adopted May 15, 2018, expressly govern the ARC / Architectural Committee review process.

Section II.A provides that an owner wishing to construct improvements, modify existing improvements, install a pool, construct walls, install hardscape, landscape, alter grading or drainage, or place objects such as lighting or decorations on a lot must submit a "Review Request" to the Architectural Committee and receive approval of that committee before commencing construction.

Section II.B, "Committee Structures," states that architectural and design review for Santa Rita Ranch III is handled by two committees established by the Board: the New Construction Committee and the Architectural Committee. It further states that the Architectural Committee "has been established to monitor, review and control subsequent improvements or modifications in the Association," and that after a lot, structures, and front landscaping are complete, the owner must submit proposed exterior, lot, structure, and landscaping changes to the Architectural Committee for review.

Most importantly, Section II.D, "Review Procedures," states:

"The Committees shall review all requests without hearings and based solely on the information contained within the Review request; provided, however, the Committees, their committee members, and authorized agents may at any time request additional information or inspect a Lot for compliance with the Declaration, these Community Guidelines, and any approved plans for construction or modification. The meetings shall be open to community Members pursuant to A.R.S. Section 33-1804."

That provision makes two separate points.

First, ARC applications are reviewed "without hearings." That means an individual owner does not automatically receive a separate, application-specific evidentiary hearing before the committee.

Second, the committee meetings themselves "shall be open to community Members pursuant to A.R.S. Section 33-1804." The "without hearings" language does not appear to authorize closed-door committee deliberation, private email voting, portal consensus, written-consent substitution, or management-only approval processes. To the contrary, the same paragraph expressly refers to open committee meetings.

Declaration Article 9 also establishes the Architectural Committee, gives it architectural-review jurisdiction, requires submission and review of plans, and gives the committee 45 days to approve, disapprove, request additional information, or allow deemed approval. Bylaws Section 4.14 allows committees of the Board only to the extent provided by Board resolution and permitted by applicable law, and states that committee delegation does not relieve the Board of legal responsibility. Bylaws Section 4.8 addresses action without a meeting by written consent, but only unless restricted by the Declaration, Articles, Bylaws, or applicable law.

Accordingly, if the Association contends that Bylaws Section 4.8 authorizes ARC action by written consent, email, portal workflow, or another non-meeting process, please identify the specific written-consent records and explain how that position is reconciled with Community Guidelines Section II.D, Declaration Article 9, Bylaws Section 4.14, A.R.S. Section 33-1804, and A.R.S. Section 33-1817(B)(1).

II. Arizona Law

A.R.S. Section 33-1804(A) provides, in relevant part:

"Notwithstanding any provision in the declaration, bylaws or other documents to the contrary, all meetings of the members' association and the board of directors, and any regularly scheduled committee meetings, are open to all members of the association or any person designated by a member in writing as the member's representative and all members or designated representatives so desiring shall be allowed to attend and speak at an appropriate time during the deliberations and proceedings."

A.R.S. Section 33-1804(F) states that it is Arizona policy that planned-community meetings be conducted openly, that notices and agendas be provided in advance with information reasonably necessary to inform members of matters to be discussed or decided, and that persons interpreting the statute, including board members and community managers, must construe it in favor of open meetings.

At minimum, if ARC meetings are regularly scheduled, they are open under A.R.S. Section 33-1804(A). Separately, the Association's own Community Guidelines state that committee meetings shall be open to members pursuant to A.R.S. Section 33-1804. The Board should therefore identify whether ARC review occurs at meetings, whether those meetings are regularly scheduled, and what authority the Board relies on for any non-meeting decision process.

In addition, A.R.S. Section 33-1817(B)(1) provides that membership on "a design review committee, an architectural committee or a committee that performs similar functions" must include at least one member of the board of directors who serves as chairperson of the committee.

If the Association contends that the current review process is not performed by a design review committee, architectural committee, or similar committee, please state that position expressly and identify who or what body is making ARC decisions, what authority has been delegated to that person or body, and where that delegation is documented.

The Arizona Court of Appeals recently confirmed that A.R.S. Section 33-1804 requires planned-community associations to vote and take formal action in open meetings. In *A Z N H Revocable Trust v. Sunland Springs Village Homeowners Association*, No. 1 CA-CV 25-0424, filed April 28, 2026, the court held that a closed portion of a meeting may be used only for "consideration" of the subjects listed in A.R.S. Section 33-1804(A), and that "consideration" does not include voting or formal action. The court reasoned that members must have the opportunity to speak after discussion of an agenda item but before formal action or a vote, and that Section 33-1804 must be construed in favor of open meetings.

III. Issue Presented

The issue is not whether management may receive ARC applications electronically, forward plans, request missing information, track deadlines, or perform administrative intake. Those administrative acts are not the focus of this inquiry.

The issue is whether substantive ARC business is being conducted behind the scenes by email, portal workflow, serial communication, written consent, informal consensus, management decision, or other non-open process outside meetings open to members.

Substantive ARC business includes, without limitation:

1. Reviewing completed ARC applications;
2. Discussing whether an application complies with the Declaration or Community Guidelines;

3. Considering variances, deviations, or exceptions;
4. Voting on ARC applications;
5. Approving applications;
6. Denying applications;
7. Approving applications with stipulations;
8. Directing management to issue approvals or denials;
9. Reaching committee consensus through email, written consent, or portal comments;
10. Conducting inspections or compliance determinations as a committee function.

If ARC members are deliberating or deciding applications privately by email, written consent, or portal workflow, that process appears inconsistent with Community Guidelines Section II.D and raises substantial concerns under A.R.S. Section 33-1804.

If the Association contends that ARC applications may be substantively reviewed or decided by written consent, serial email, portal comments, management approval, or any process other than an open ARC meeting, please identify the specific authority relied on, including how that position is reconciled with Community Guidelines Section II.D, A.R.S. Section 33-1804, A.R.S. Section 33-1817(B)(1), Bylaws Sections 4.8 and 4.14, and Declaration Article 9.

Accordingly, the central issue is not only whether ARC matters are discussed privately, but where final ARC action occurs. For each ARC application, variance, conditional approval, denial, delegation, or ARC-policy decision, the Association should be able to identify the open meeting at which the vote or formal action occurred, or identify the specific authority it contends permits action outside an open meeting despite A.R.S. Section 33-1804, Community Guidelines Section II.D, and A Z N H.

IV. Specific Questions Requiring Written Response

Please provide a written response answering the following. Written answers do not substitute for production of responsive records requested in Section V.

1. Does Santa Rita Ranch III presently have an Architectural Committee / ARC?
2. Who are the current members of the ARC?
3. Which Board member serves as chairperson of the ARC as required by A.R.S. Section 33-1817(B)(1)?
4. When were the current ARC members appointed?
5. What Board minutes, resolutions, written consents, or appointment records document their appointment?
6. Is the ARC currently holding meetings?
7. If yes, when and where are those meetings held?
8. Are ARC meetings regularly scheduled?
9. Where are ARC meeting notices posted or otherwise provided to members?
10. Are agendas prepared for ARC meetings?
11. Are minutes prepared for ARC meetings?
12. Are members allowed to attend ARC meetings?

13. Are members or their written designated representatives allowed to speak at an appropriate time during ARC proceedings?
14. If ARC meetings are not presently being held, why not?
15. If ARC applications are being approved, denied, or approved with stipulations without ARC meetings, who is making those decisions?
16. Are ARC members discussing or voting on applications by email?
17. Are ARC members discussing or voting on applications through a portal or other digital workflow?
18. Are ARC members taking action by written consent under Bylaws Section 4.8 or any similar authority?
19. Is management issuing ARC approvals or denials without an open ARC meeting?
20. If management is making or communicating ARC decisions, identify the specific authority delegated to management and produce the document showing that delegation.
21. If the Association contends that ARC decision-making may be conducted outside open committee meetings, identify the specific governing-document provision, statute, legal opinion, written consent procedure, Board resolution, or other authority on which the Board relies.
22. If the Association contends that A.R.S. Section 33-1804 does not apply because ARC meetings are not "regularly scheduled committee meetings," state whether ARC meetings have intentionally not been regularly scheduled, and identify the authority allowing substantive ARC business to be conducted without a regular open-meeting process.
23. For each ARC application decided from January 1, 2026 through the present, identify the date, meeting, forum, decision-maker, motion or action taken, and whether the final approval, denial, conditional approval, variance approval, or other formal action occurred in an open meeting.
24. Has the Board, ARC, management company, or any delegated decision-maker approved, denied, conditionally approved, granted variances, authorized enforcement, or otherwise taken formal ARC action in executive session, closed session, email, portal workflow, written consent, management routing, or any other non-open process from January 1, 2026 through the present?

V. Records Request Under A.R.S. Section 33-1805

Please treat this letter as a formal records request under A.R.S. Section 33-1805.

Please make the following records reasonably available for examination or copying within ten business days:

1. The current ARC roster.
2. All Board minutes, resolutions, written consents, or appointment records identifying current ARC members.
3. Any document identifying the Board member serving as ARC chairperson.
4. Any ARC charter, rules, procedures, policies, or written operating instructions.
5. Any written delegation of ARC authority to AAM, the community manager, or any management representative.
6. ARC meeting notices for the period January 1, 2026 through the present.

7. ARC agendas for the period January 1, 2026 through the present.
8. ARC minutes for the period January 1, 2026 through the present.
9. ARC attendance records for the period January 1, 2026 through the present.
10. ARC decision logs for the period January 1, 2026 through the present.
11. Written consents, unanimous-consent records, email approvals, portal approvals, or other records used to approve, deny, or approve with stipulations ARC applications outside an open ARC meeting from January 1, 2026 through the present.
12. A list of ARC applications received from January 1, 2026 through the present, including the date received, property/lot identifier, general nature of the request, date decided, disposition, and method of decision. Owner names may be redacted if the Association contends redaction is required.
13. Records showing whether each ARC application from January 1, 2026 through the present was decided at an open ARC meeting, by written consent, by email, by portal workflow, by management review, or by some other method.
14. Nonprivileged email communications among ARC members, Board members, and/or management reflecting substantive ARC deliberation, review, voting, approval, denial, conditional approval, or variance consideration from January 1, 2026 through the present.
15. Nonprivileged portal notes, workflow entries, manager summaries, routing sheets, approval logs, written-consent records, or similar records reflecting substantive ARC deliberation, review, voting, approval, denial, conditional approval, or variance consideration from January 1, 2026 through the present.
16. Any legal opinion, attorney correspondence, or Board communication that the Association contends authorizes ARC decision-making outside open committee meetings. To the extent the Association claims attorney-client privilege, please identify the document date, author, recipients, general subject matter, and privilege asserted without disclosing privileged legal advice.
17. Any record showing that the Board considered or addressed ARC open-meeting compliance after turnover to homeowner control.
18. Any record showing that the Board adopted, revised, ratified, or approved the current ARC process after turnover to homeowner control.
19. All records showing the date, location, forum, attendees, motion, vote, written consent, portal approval, management approval, or other formal action by which each ARC application from January 1, 2026 through the present was approved, denied, approved with stipulations, deemed approved, or otherwise decided.
20. All agendas for any meeting at which ARC applications, ARC policies, ARC delegations, ARC variances, or ARC enforcement matters were discussed or decided, including agendas for closed or executive-session portions of meetings. If information was withheld or redacted from an agenda, identify the statutory or privilege basis for the withholding or redaction.
21. All communications, email threads, portal records, routing logs, manager notes, Board communications, ARC communications, or other records relating to Director Troy Schwartz's April 23, 2026 statement that ACR applications were being approved through emails and that applications were previously not being approved because management was not forwarding them to the Board.
22. All ARC/ACR email threads, portal routing records, Board communications, and management communications from April 1, 2026 through May 15, 2026 concerning

ARC/ACR application routing, forwarding, approval, denial, conditional approval, backlog, delay, or management forwarding issues.

23. All Board meeting minutes, draft minutes, recordings, agendas, manager reports, Board packets, ARC reports, and homeowner Q&A records from any 2026 Board meeting at which ARC/ACR backlog, routing, application review, approval, denial, conditional approval, or delayed forwarding by management was discussed.
24. All records sufficient to identify each ARC/ACR meeting date, time, location or access method, notice location, agenda, minutes, attendees, matters discussed, and formal actions taken from January 1, 2026 through the present.

I request electronic production where reasonably available, including PDF export or native electronic records where appropriate. If the Association contends inspection rather than electronic production is required for any category, please identify dates and times within the ten-business-day period when the records will be available for examination.

For electronically stored records, please preserve and produce available metadata, including sender, recipient, date, time, thread, routing, approval, and status-change information.

I do not object to reasonable redaction of owner names, personal contact information, privileged legal advice, or information protected from disclosure by A.R.S. Section 33-1805(B) or other applicable law, provided the Association identifies the category of information redacted and produces the remaining nonprivileged record.

If the Association withholds any responsive record, please identify the category of record withheld and the statutory, privilege, or other legal basis for withholding it.

Partial production or partial answers should not be treated as satisfying this request unless the Association identifies which categories remain pending, withheld, redacted, or unavailable.

VI. Preservation Request

Please preserve all records relating to ARC operations, ARC membership, ARC meeting notices, ARC agendas, ARC minutes, ARC applications, ARC approvals, ARC denials, ARC conditional approvals, ARC variances, ARC inspections, management communications, portal entries, email chains, written consents, Board communications, and ARC procedure or open-meeting compliance from January 1, 2026 through the present.

This preservation request includes nonprivileged responsive records and potentially responsive privileged records sufficient to preserve privilege-log information, including records held by Board members, ARC members, AAM, the community manager, Association counsel, and any other agent acting on behalf of the Association.

VII. Requested Corrective Action

Please confirm in writing whether the Association will take the following prospective corrective steps:

1. Identify the current ARC members and Board-member chairperson;
2. Publish the ARC meeting schedule or, if no schedule exists, establish one;
3. Identify where ARC meeting notices and agendas will be posted;
4. Permit members and written designated representatives to attend ARC meetings and speak at an appropriate time during ARC proceedings;
5. Suspend any practice of using private email, portal workflow, written consent, or management-only review as the final approval or denial mechanism for ARC applications unless the Association identifies specific legal authority permitting that process;
6. Place ARC open-meeting compliance on the agenda for the next properly noticed Board meeting;
7. Direct management and ARC members to preserve responsive records;
8. Review ARC decisions made since January 1, 2026 to determine whether any decisions were made through a process inconsistent with the Community Guidelines or A.R.S. Section 33-1804;
9. Provide a written corrective plan explaining how the Board will ensure future ARC compliance.

VIII. Deadline

Please provide the requested records within ten business days pursuant to A.R.S. Section 33-1805.

Please provide the Board's substantive written response to the legal and procedural issues raised in this letter within fourteen calendar days of receipt.

If the Board contends that no violation exists, please state that position expressly and identify the specific legal and governing-document authority supporting it.

IX. Reservation of Rights

I would prefer that the Association resolve this promptly and without unnecessary legal expense. If the Board does not provide a timely and adequate response, I will consider available remedies, including demand through counsel, petition through the Arizona Department of Real Estate / Office of Administrative Hearings process under A.R.S. Section 32-2199.01, and appropriate judicial relief.

Nothing in this letter waives any right, claim, remedy, objection, defense, statutory hearing right, records right, open-meeting claim, governing-document claim, procedural objection, or request for declaratory, injunctive, administrative, or other relief. All rights and remedies are expressly reserved.



Santa Rita Ranch III Homeowner

Referenced exhibits enclosed:

Exhibit A: Ty Schwartz Facebook Messenger screenshots (14-image set).

Exhibit B: A Z N H Revocable Trust v. Sunland Springs Village Homeowners Association, No. 1 CA-CV 25-0424.

Exhibit C: Santa Rita Ranch III Community Guidelines Section II.D excerpt.

Exhibit D: Facebook community-page screenshots regarding ARC meeting dates, notices, and access (10-image set).

Exhibit E: Transcript and summary of Ty Schwartz Facebook Messenger thread.

Exhibit F: Transcript and summary of Facebook community-page ARC thread.