



June 29, 2026

VIA EMAIL

Sean K. Moynihan
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Cc: Board of Directors, Santa Rita Ranch III Homeowners Association
Cc: AAM, LLC / Ken Inskeep

Re: Cure Demand for Records Noncompliance Under A.R.S. Section 33-1805

Dear Mr. Moynihan:

I received your June 25, 2026 response to my June 12, 2026 records request. It does not satisfy A.R.S. Section 33-1805.

A.R.S. Section 33-1805 gives the Association ten business days to fulfill a member's request to examine Association records. Under Arizona's general time-computation rule, the day of delivery is excluded and the last day is included unless it is a holiday. Because my request was delivered on June 12, 2026, the deadline was June 26, 2026. The Association should not calculate that deadline by excluding June 19 on the theory that Juneteenth is an Arizona legal holiday; although Juneteenth is a federal holiday, it is not an Arizona state legal holiday enumerated in A.R.S. Section 1-301.

The Association did not make records reasonably available by waiting until June 25, 2026, the eve of the deadline, to tell me to begin scheduling with management. If AAM or Mr. Inskeep was the Association's designated access point, then AAM or Mr. Inskeep should have contacted me within the statutory period with inspection dates, available windows, or production logistics. At minimum, counsel should have provided that information. The June 25 letter instead provided no records, no inspection dates, no available time windows, no category-by-category nonexistence statement, and no withholding position.

The term "reasonably available" cannot be read apart from the ten-business-day fulfillment requirement. Reasonable availability requires an actual opportunity to examine records within the statutory period, or at least concrete inspection dates or available windows offered within that period. A last-minute instruction to start scheduling with management is not reasonable availability. It is an invitation to begin the compliance process after the Association's time to comply has effectively expired.

That tactic should not be credited as statutory compliance. It converts a duty of disclosure into delay, ambiguity, and burden-shifting. A call with counsel or an informal conversation with management is not a substitute for records access, and it does not answer whether the Association has kept the records that should exist if the ARC process is being administered lawfully.

I am narrowing the June 12 request in good faith to remove any claimed ambiguity or burden. Every category below is a subset of the records requested on June 12, 2026. This is not a new request, and it should not be treated as one. It does not restart the statutory deadline, and it does not waive my position that the Association failed to timely fulfill the original request. It is a final opportunity to cure before administrative or judicial intervention becomes necessary.

This narrowed demand does not ask the Association to create a new record, spreadsheet, report, legal memorandum, or narrative answer. It asks for existing records. If the same information appears in application files, approval letters, minutes, portal exports, routing records, written consents, management notes, or other existing records, those records will satisfy the request. If owner privacy is asserted, owner names, personal contact information, and lot-specific personal identifiers may be redacted, provided the remaining nonprivileged records are produced.

Please make the following existing records available without further delay under A.R.S. Section 33-1805:

- 1. The current ARC/Architectural Committee roster**, including any design-review committee or committee performing similar functions however denominated, the Board member serving as chairperson under A.R.S. Section 33-1817(B)(1), and any minutes, resolution, written consent, or appointment record identifying those members.
- 2. Any current ARC charter, rules, procedures, written operating instructions, design-review process, or written delegation** of ARC authority to AAM, management, the Board, or any other agent.
- 3. All existing ARC notices, agendas, minutes, attendance records, and decision records** from April 1, 2026 to the present.
- 4. Records sufficient to show, for each ARC application decided from April 1, 2026 to the present**, the date received, general type of request, date decided, disposition, decision-maker, and method of decision, including whether the decision occurred at an open meeting, by Board action, committee action, written consent, email, portal workflow, management action, or another method.

This demand includes records kept by or on behalf of the Association and Board, including responsive records held by AAM, the community manager, Board members, ARC members, and any portal or workflow system used for ARC applications.

Electronic production is preferred. If the Association insists on in-person examination for any category, provide specific inspection dates and times immediately. The Association may not charge for making records available for review. If copies are requested, any copy charge may not exceed \$0.15 per page.

If in-person examination is the only option offered, I intend to use my phone to photograph or scan records made available for review. A.R.S. Section 33-1805(A) prohibits charging for making records available for review, while separately allowing a copy charge only when copies are requested from the Association. Personal photographs taken during inspection are part of my examination of the records, not a request that the Association make copies for me. I will comply with reasonable handling rules that do not impair meaningful review. If the Association contends that any information must be withheld or redacted, it should make those redactions before the inspection so the remaining nonprivileged records can be reviewed and photographed without delay.

If any category does not exist, state that plainly. If any responsive record is withheld or redacted, identify the category withheld or redacted and the statutory, privilege, or legal basis relied on. Administrative burden, inconvenience, and legal expense are not withholding grounds under A.R.S. Section 33-1805.

Please also preserve all ARC-related records from January 1, 2026 to the present, including membership records, procedures, notices, agendas, minutes, decision records, applications, approval records, denial records, written consents, email communications, portal entries, routing logs, management notes, and delegation records.

Please also treat this letter as notice that I intend to attend future open Board meetings and ask questions regarding ARC governance, records compliance, and open-meeting compliance. The Board may find those questions difficult, but they are legitimate Association-governance questions. Arizona policy requires planned-community open-meeting provisions to be construed in favor of open meetings. Written answers now would avoid unnecessary confusion, surprise, and embarrassing member uncertainty at a future meeting.

As Louis D. Brandeis, later an Associate Justice of the United States Supreme Court, famously wrote: *"Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."* That principle is apt here. I asked simple governance questions. The Association chose not to answer them. I am now demanding the records that should show the answer.

If the Association is genuinely concerned about administrative burden and legal expense, that concern should weigh in favor of prompt records compliance and against avoidable litigation over basic governance records. If the Association does not promptly cure its noncompliance, I will pursue available remedies, including a petition under A.R.S. Section 32-2199.01 and judicial relief as appropriate. The Association should govern itself accordingly.

