

August 5, 2026 - Email from owner - records position

Date: August 5, 2026

From: [Owner]

To: Sean Moynihan

Cc: Ken Inskeep; Marie Perez; Noel Hengst; Kat Boswell; Kim Ferguson; Lisandra Ruiz

Subject: RE: RESPONSE - Santa Rita Ranch III - Formal Statutory Contest and Appeal - Compliance No. [Household identifier redacted]

Personal identifiers and protected personal details have been removed. This is a text rendering, not the raw email. Statements are the correspondents' positions, not adjudicated findings.

Mr. Moynihan and Mr. Inskeep,

Thank you for stating the Association's position. I disagree with its categorical exclusion of internal Association-business emails from my pending records request.

A.R.S. § 33-1805(A) requires that "all financial and other records of the association" be made reasonably available for examination. Subsection (B) expressly addresses books and records kept "by or on behalf of the association and the board" and permits withholding only to the extent that particular content falls within an enumerated category, such as privileged attorney communications, pending litigation, records of a Board session not required to be open, protected personal information, or specified employee matters.

The statute does not contain an "official records" limitation. It does not state that an email becomes an Association record only when it is reviewed and approved by the full Board or affirmatively placed in a homeowner's lot file. Nor does it create a categorical exemption for "internal emails." My request expressly excludes privileged legal advice and recognizes the Association's right to withhold or redact material actually protected by A.R.S. § 33-1805(B) or (C).

The Association's management agreement with AAM also appears inconsistent with the position stated in your email. Section 3.13 provides that the Association retains ownership rights in all records involving Association business, directly or indirectly, regardless of whether they were generated by AAM staff, Board members, Association members, vendors, or third parties. It expressly includes electronic documents and "Association related emails." Section 3.10 adopts the records-retention policy in Exhibit B, which separately addresses violation correspondence, appeals, Board packets, and management reports.

Please explain how the Association reconciles its present position with those provisions. The location selected for a record-or a decision not to place it in a particular lot file-cannot by itself determine whether the record concerns Association business or is kept by or on behalf of the Association or Board. Otherwise, an Association or its agent could place responsive records beyond

inspection merely by declining to file them in a management-designated “official” folder.

This is not an abstract concern. In its July 7, 2026 production, AAM produced Outlook email chains exchanged among directors and management. Those records included management recommendations, requests for votes, directors’ emailed votes, and internal management instructions concerning resulting Association action. AAM has therefore previously treated director-management and management-management emails as responsive Association records and demonstrated that it possesses, preserves, and can produce such communications.

Your email does not appear to contend that the communications requested in Schedule A are factually nonresponsive. Instead, it appears to acknowledge that my request reaches those communications while asserting that they are categorically outside A.R.S. § 33-1805 unless the full Board approved them or management placed them in an “official” file. If that is not the Association’s position, please correct my understanding.

To make the Association’s position and the scope of its production unambiguous, please confirm which of the following it is asserting:

1. Responsive director-to-director, director-to-management, or management-to-management emails exist but will be withheld categorically as purportedly outside A.R.S. § 33-1805;
2. The Association and AAM have not searched for responsive emails because they do not consider such emails Association records;
3. A search was conducted and no responsive emails exist;
4. Responsive emails previously existed but were not retained; or
5. Particular responsive emails are being withheld under one or more specified provisions of A.R.S. § 33-1805(B) or (C).

If the Association conducted a search, please identify the custodians and repositories searched. If particular records are being withheld under subsection (B) or (C), please identify the applicable statutory basis and produce all nonexempt portions, as subsection (B) permits withholding only “to the extent” that the portion withheld relates to a listed category. I am not requesting disclosure of privileged legal advice. I am requesting that the Association apply the statute to the contents and function of existing records rather than categorically exclude an entire communication medium.

Please also identify the statutory language or Arizona authority supporting the proposed rule that an Association-business email must be approved by the full Board or selected for placement in an “official” file before it can constitute a record of the Association.

I have separately submitted to Mr. Inskeep-and copied you on-a formal reasonable-accommodation request for electronic production of responsive records already maintained electronically. That request does not narrow Schedule A, waive my objection to the categorical exclusion of Association-business emails, or abandon the pending appeal.

Finally, please preserve all responsive emails and other electronically stored information pending completion of the production, the Board's consideration of my appeal, and resolution of this records dispute. That preservation request applies regardless of whether the Association presently agrees that each responsive communication must ultimately be disclosed.

Sincerely,

[Owner] [Home address redacted] [Home locality redacted]

Editorial and provenance notes

Source record: SRC-000253. The complete raw email and original headers are retained privately.