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SCOTTSDALE COUNCIL OF HOMEOWNERS ASSOCIATIONS SCOHA NEWSLETTER

IN OUR 42nd YEAR

MAY 2016

Do You Know What Your State Legislators Did This Session That Affects Your Association?

Several bills affecting homeowners associations will become law in July 2016.

SCOHA's President, Curtis Ekmark, has been closely involved in monitoring the legislature's activities throughout this session and he will provide details on these new laws and how they will affect your association.

Get a jump on analyzing any changes necessary for your association by attending the May 2016 meeting on **Tuesday, May 24, 2016 at noon.**

Please make your reservations as soon as possible, and please note that we must have a reservation to guarantee a lunch and a seat at the meeting.

Call Andrea Moscarello at **480-427-2884** or send an e-mail to **andrea.moscarello@carpenterhazlewood.com** by 2:00 p.m. on Friday, May 20 to make your reservation for the May 24 meeting. We look forward to seeing you there!

SCOHA ANNOUNCEMENTS

**AFTER OUR MAY 24 MEETING,
WE'LL BE TAKING THE SUMMER
OFF. WE'LL SEE YOU IN
SEPTEMBER!**

HAVE A GOOD, SAFE SUMMER!

SCOHA's NEW WEB SITE:

SCOHA's web site has been restored and remodeled by our esteemed Treasurer, Matt Metz. Check it out here:

www.scottsdalehoa.com



**SCOHA
DATA TO
REMEMBER:**

**Tuesday,
May 24,
2016
11:45 a.m.**

**Lakeview Room
McCormick Ranch
Golf Club
7505 McCormick Pkwy**

**\$15.00
Reservations
Required**

**Call Andrea Moscarello
at 480-427-2884 by
Friday, May 20**

480-427-2884

andrea.moscarello@carpenterhazlewood.com

What Would You Do?

Summary of the April 2016 Meeting

At the April SCOHA meeting, attorney Scott Carpenter played host to a gameshow style event called What Would You Do. In this interactive feature, we were able to play along with a poll-the-audience type of format.

The first scenario Mr. Carpenter posed was regarding open meetings. In a situation where you were the manager, you were asked by the board to schedule a closed "work session", because no decisions were going to be made. In this scenario, the most popular answer was to schedule the meeting, but express concerns about the open meeting requirements. This question was a bit tricky because we need more information than the scenario allows in order to make the best decision for the Association. Probably the best course of action would be to find out the topic of the meeting – what the board plans to discuss. If they are not getting legal advice or discussing pending litigation, for example, then it could be a violation of the open meeting requirements.

In the next scenario, Mr. Carpenter discussed the issue of monetary penalties. For this instance, you were asked to think in the mindset of a board member. The association attorney advises that a "huge" fine is the best way to deal with a violation, and suggests a \$50,000 fine for a garage extension. Amongst options

that included imposing the fine as suggested, and urging a bigger or smaller fine, the most popular option was to urge "injunctive relief". This means that if a garage extension was built, you would take the homeowners to court and seek a court order that requires them to remove the extension. This would not be a bad option, but Mr. Carpenter pointed out that for a garage extension, the \$50,000 fine may not be large enough, as the homeowners might just pay it after spending more than that to build the extension, just so they can keep it. So if reasonable, an even larger fine might be a better deterrent to homeowners in this instance.

Harassment was the topic of the next scenario. In this example, you were asked to think like a board president. The manager (a direct employee of the association) reports to you a "quid pro quo" harassment from the treasurer of the board. The options of this situation included telling the manager it was between the two involved parties, to talk to the other directors about what to do, to put it on the agenda for the next meeting, or to do nothing. The most popular answer was to talk to the other directors about what to do, and Mr. Carpenter pointed out that this course of action could be good and helpful, since you can get different opinions on the matter. Other good ideas of how to handle the situation were to seek legal advice right out of the gate, and not consult with others just in case the claim turned into a larger

problem. Additionally, confidentiality was important to the participants, and some opted to not share with anyone else besides the parties involved and the attorneys, so a proper investigation could go through without further issues.

The next set-up Mr. Carpenter gave us was involving what he called excessive stuff. This instance required you to think like a board member, and a neighbor in your community has reported excessive items in the rear yard of another neighbor. There is no smell coming from the yard, and the excessive items just go to the upper "plane" of the fence line. The options here were to urge the board to do nothing, to vote to investigate the matter further, to vote to have management send a letter, or to urge City or County involvement. This situation was pretty even amongst participants as to what to do. Of the most popular options were to investigate, to send a letter, or to urge City or County involvement. Other ideas also included to check your association documents and see what the policy is regarding items being in the yard. In this example as well, it is important to be reasonable towards your neighbor and to keep in mind that this person could possibly be dealing with mental or physical health issues.

In the subsequent scenario, Mr. Carpenter described an issue with a "bad dog". Here, you were to think like a board member, and an owner's pit bull has attacked another owner's small dog while on a walk. Now the owner of the injured dog wants their medical bills paid by the association.

Some of the options included urging the involvement of the HOA's insurance, denying the claim, paying the claim just to be done with the situation, or pay the claim and seek indemnity-to have the pit bull's owner reimburse you for the insurance payment. This scenario was fairly even across the board. Many people would prefer to urge involving the insurance to investigate further, or to deny the claim all together. Many people seemed to have dealt with this situation in their communities and offered up advice as well.

A big delinquency by a homeowner was the topic of the final situation Mr. Carpenter posed. In this scenario, you were asked to have the mindset of a board member, and an owner in the community has not paid their dues in 7 years and owes \$11,000. Boards that came prior to you did nothing regarding the delinquency. The options of action in this situation were to urge a lawsuit against the owner personally, to urge a foreclosure lawsuit, to urge a lawsuit against the former directors, or to urge a write off of the delinquent amount. The most popular choice of these options was to urge a foreclosure lawsuit. This was a good choice, and other good options were to look at the history of the homeowner and make sure a collections policy can be put in place to try and collect.

2016 SCOHA BOARD AND DIRECTORS

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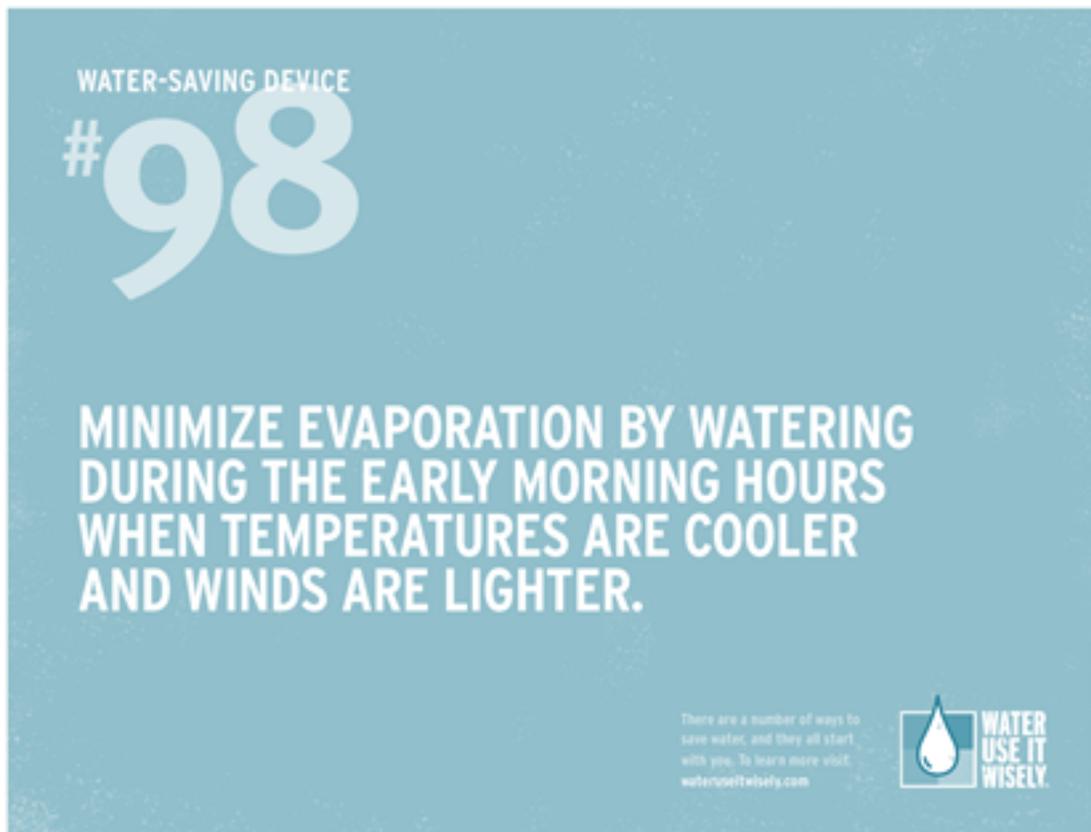
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