

Final agency action regarding decision below:

ALJFIN ALJ Decision final by statute

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of

No. 25F-H082-REL

Heidi Kummetz,
Petitioner,

ADMINISTRATIVE LAW JUDGE
DECISION

v.

Los Blancos Homeowners' Association Inc.,
Respondent.

HEARING: May 6, 2026

APPEARANCES: Heidi Kummetz represented herself. Attorney Austin Baillo represented Los Blancos Homeowners' Association Inc.

ADMINISTRATIVE LAW JUDGE: Kay A. Abramsohn

EXHIBITS ADMITTED INTO EVIDENCE: Notice of Hearing Packet ("Packet"), containing Petition and its attachments, and other background procedural documents. Petitioner Exhibits P1 through P30. Respondent Exhibits R1 through R6

FINDINGS OF FACT

1. Pursuant to Arizona Revised Statutes (Ariz. Rev. Stat.) § 33-1801 et seq., the Arizona Department of Real Estate (Department) is authorized by statute to receive and to decide Petitions for Hearings from members of planned community associations in Arizona.

2. Heidi Kummetz (Petitioner) is a homeowner within Los Blancos Homeowners' Association Inc. (HOA).

3. On or about August 28, 2025, Petitioner filed a single-issue petition with the Department which specifically alleged that HOA failed to fulfill Petitioner's August 10, 2025 "Ten Day Records Request" in violation of Ariz. Rev. Stat. § 33-1805(A).¹

4. On or about November 26, 2025, the Department referred this matter to the Office of Administrative Hearings ("Tribunal"), an independent state agency, for an

¹ See Packet.

1 evidentiary hearing to determine whether the alleged violation of Ariz. Rev. Stat. § 33-
2 1805(A) occurred.

3 THE RECORDS REQUEST AT ISSUE

4
5 5. On August 10, 2025, at 5:35 p.m., Petitioner emailed a records request
6 essentially addressed to the attention of “Los Blancos Board and Associated Partners.”²
7 Petitioner emailed the request to the following persons, some at personal or work email
8 addresses and some, repetitively, at an organizational address: Ulises Aragon;
9 Christian Gragnano;³ Boris Kurtnik;⁴ Pam Zanocco;⁵ Gabriel Eagle; Yosdel Castillo;⁶
10 Advanced Community Services (ACS);⁷ Chandler Travis;⁸ and, Ian Quinn.⁹

11 6. The August 10, 2025 email listed the following requested documents:

12 Per A.R.S., 10 day records request. Link below to upload documentation if
13 you prefer.

14 All invoices from May 1, 2025 to current

15 All bids and related communications from May 1, 2025 to current

16 All board communications resulting in consensus vote from May 25, 2025
to current

17 All communications with vendors/contractors/City/Planning &
Development/City Code Enforcement, etc.

18 Bank statements (May/June/July 2025) for all accounts, operating,
19 reserve, mma, etc. all banks and entities

20 Bank registers for all accounts May, June, July 2025 all banks and entities

21 Utility bills (all including three for SWGas, 2 for APS, etc.) May, June, July
2025

22 All contracts, executed from May 1, 2025 to current

23 All termination notices to any and all vendors, trades, etc. from May 1,
2025 to current

24 All change order contracts to any and all vendors, trades, etc. from May 1,
2025

25
26 ² See Petitioner Exhibit 8 [email chain]; see *also* Petitioner Exhibit 7.

27 ³ To Christian also at christian.losblancoshoa@yahoo.com.

28 ⁴ Mr. Kurtnik was the Board Treasurer.

29 ⁵ Ms. Zanocco is the Board President.

30 ⁶ To Yosdel also at yosdel@acs-hoa.com.

⁷ To ACS at info@acs-hoa.com.

⁸ To Chandler at Ctravis@travislawaz.com.

⁹ To Ian at iquinn@quinnlawnet.com

1 Copy of fully executed contract between Los Blancos and ACS including
2 digital certificate page, full digital executed contract
3 Full binders on current insurance policies
4 Current Bank Loan Statements, May, June, July 2025
5 Current AR Aging non lot specific overview (overall \$\$, w/legal \$\$, lien
6 status \$\$)
7 Full Financials including Ledgers, Bank Reconciliation Reports, Cash
8 Disbursement Ledger, Deposit Register, GL Trial Balance
9 Opening registers, Current register and statements for ACS accounts with
10 coinciding bank register directly from bank
11 Governing Documents
12 Minutes Budget

13 7. On August 10, 2025, at 3:44 p.m., Boris asked Petitioner not to use his
14 work email address. At 8:09 p.m., Petitioner requested of Boris, what email address to
15 use.¹⁰

16 8. On August 11, 2025, at 4:41 a.m., Boris provided a new address for
17 himself and advised Petitioner that Chandler Travis no longer represented the HOA.

18 9. On August 11, 2025, at 8:44 a.m., Petitioner responded to Boris:

19 As Travis Law no longer represents Los Blancos and you are not following
20 your/Thrive's protocol of last record request, we can remove him from
21 these communications.

22 10. On August 11, 2025, at 5:51 a.m., Boris responded:

23 I'm not sure what you mean – Thrive no longer manages the association.
24 *You should make your request to the current mgmt company.* Do you
25 need me to get their contact information for you?¹¹

26 11. On August 11, 2025, Petitioner then requested the "recommended email
27 address for ACS."¹²

28 12. On August 11, 2025, Boris provided the name of Yosdel Castillo as an
29 ACS contact and the email address of yosdel@acs-hoa-com.¹³

30 ¹⁰ While Petitioner's document regarding the email chain depicts the various messages, the variances in
the time stamps are not fully understood and could be an indication that other emails about other subjects
were being sent between the parties.

¹¹ Emphasis added here.

¹² See Petitioner's Exhibit 8.

¹³ *Id.*

1 13. On August 11, 2025, at 8:51 a.m., Yosdel advised Pam to tell Petitioner
2 that she needed to post the request on the ACS website as an Action Item.¹⁴

3 14. On August 11, 2025, at 5:02 P.M., Pam texted Petitioner, in pertinent part,
4 as follows:

5 I saw your email. ACS will give you all the records. They just ask that you
6 post your request on their portal.¹⁵

7 15. On December 9, 2025, at 1:01 p.m., Petitioner posted a records request to
8 ACS on the ACS website.¹⁶ Petitioner requested the following records:

9 All invoices from May 1, 2025 to current
10 All bids and related communications from May 1, 2025 to current
11 All board communications resulting in consensus vote from May 25, 2025
12 to current
13 All communications with vendors/contractors/City/Planning &
14 Development/City Code Enforcement, etc.
15 Monthly Bank statements (May/June/July 2025) for all accounts,
16 operating, reserve, mma, etc. all banks and entities
17 Monthly Bank registers for all accounts May, June, July 2025 all banks
18 and entities
19 Utility bills (all including three for SWGas, 2 for APS, etc.) May1, 2025 to
20 current May, June, July 2025
21 All contracts, executed from May 1, 2025 to current
22 All termination notices to any and all vendors, trades, etc. from May 1,
23 2025 to current
24 All change order contracts to any and all vendors, trades, etc. from May 1,
25 2025
26 Copy of fully executed contract between Los Blancos and ACS including
27 digital certificate page, full digital executed contract
28 Full binders on current insurance policies
29 Monthly Current Bank Loan Statements, May 1, 2025 to current May,
30 June, July 2025
Current AR Aging non lot specific overview (overall \$\$, w/legal \$\$, lien
status \$\$)
Monthly Full Financials including Ledgers, Bank Reconciliation Reports,
Cask Disbursement Ledger, Deposit Register, GL Trial Balance starting
June 2025 monthly through current

14 See HOA Exhibit 4.

15 See HOA Exhibit 4.

16 See HOA Exhibit 5. Differences from the Augst 10, 2025 listing are shown herein with underlining and strike-throughs.

1 Monthly - Opening registers, Current register and statements for ACS
2 accounts with coinciding bank register directly from bank May 1, 2025 to
3 current

4 Governing Documents

5 Minutes

6 Budget

7 AZROC# for chosen contractor for stairs

8 Proof of COI, License, Insurance, AZROC# for hired janitor/handyman

9 Copy of fully executed contract for GotJunk

10 Copy of fully executed contract for alley dumpsters

11 Copy of fully executed contract for janitor/ handyman

12 Copy of renegotiated contract and terms, fully executed for bank loan

13 Copy of fully executed contract for Plumber for sewer line work

14 Copy of City of Phoenix approved plans and permits for stairs project

15 Proof of payment (staged and /or final) for all contracts

16 Copy of COI/ROC/License for contractor that remodeled clubhouse 2025

17 Copy of contract for contractor that remodeled clubhouse 2025

18 16. On December 9, 2025, at 1:11 p.m., Petitioner posted an addendum to the
19 records request, requesting the following additional records:

20 Copy of executed contract with vendor chose for stairs/decks

21 Copy of executed contract with forensic accountant

22 17. On December 19, 2025, ACS responded to Petitioner, indicating she was
23 welcome to come to the ACS offices to review the available records.¹⁷ ACS also offered
24 to schedule a different day for Petitioner to review the records.

25 18. On December 22, 2025, Petitioner advised ACS that she would be able to
26 be at the ACS office on December 29, 2025 at 1:00 p.m.¹⁸

27 **BACKGROUND**

28 19. Petitioner was formerly on the HOA Board of Directors (Board).

29 20. At that time, HOA employed Lighthouse as its management company;
30 however, Petitioner had wanted a change in the management.¹⁹

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Zanoocco testimony.

1 21. In May 2025, the existing Board was recalled.²⁰ The recall was effective
2 May 29, 2025.²¹

3 22. Despite being under recall, on June 1, 2025, Petitioner hired Thrive With
4 Us (Thrive) as the HOA management company; Amy Taylor was the Thrive President.²²

5 23. On June 18, 2025, a new Board was seated, with Pam Zanocco as
6 President. Ann Taylor resigned at that June 18, 2025 meeting.²³

7 24. On July 1, 2025, ACS was hired by the Board as the new management
8 company for HOA; Yosdel Castillo was the manager.²⁴

9 25. In July 2025, ACS sent out a newsletter to residents.²⁵ The Newsletter
10 instructs residents how to reach out to ACS with regard to any concerns and issues by
11 posting an Action Item on the ACS website.

12 26. On July 15, 2025, Thrive President Amy Taylor responded to a records
13 request from Petitioner, stating “Per your request, here is the link to the Dropbox folder
14 for the documents we have.”²⁶ As to each noted record, Ms. Taylor indicated its
15 availability. In closing, Ms. Taylor advised Petitioner as follows:

16 As stated in our email to the community, *the new management company*
17 *has now taken over management of your community. Any records*
18 *requests must be sent to them. Any further emails sent to Thrive will be*
19 *forwarded to Pam Zanocco as directed by Pam.*²⁷

20 27. On September 22, 2025, HOA Board sent an email to residents essentially
21 updating residents of the Board’s progress and status of certain projects and also
22 providing the following information, in pertinent part:²⁸

23 When necessary, we will send out community emails. The ACS website
24 will be your main source for you to communicate your concerns, ask a

25 ²⁰ Petitioner testimony.

26 ²¹ Petitioner testimony.

27 ²² Zanocco testimony; see also HOA Exhibit 2.

28 ²³ *Id.*

29 ²⁴ *Id.*

30 ²⁵ See HOA Exhibit 3.

²⁶ See Petitioner Exhibit P3.

²⁷ Emphasis added here.

²⁸ See Petitioner Exhibit P10.

question or request service, and of course, where you will pay your fees.
<http://losblancosaz.com>

28. During the various management company transitions, The Board relied on each company to send the HOA documents, etc., to the next management company.²⁹

29. On April 2, 2026, HOA filed a motion to vacate the hearing and dismiss the Petition for the following reasons: (a) Petitioner had sold her home effective March 23, 2026; (b) as a result of the sale of the home, Petitioner no longer had an interest in the HOA documents; and, further, (c) Petitioner no longer had standing to maintain her Petition against the HOA. In its motion, HOA further indicated that Petitioner had been given an opportunity to review the Association's records on 4 different occasions to examine all the Association records she had asked for, including the most recent viewing in March of 2026, and that she had paid for copies of the records and took those copies with her. HOA requested that the Petition be dismissed and that Petitioner's filing fee be returned to her if possible.

30. At the time of the continued April 24, 2026 hearing setting, the background documents from Department, which would have included a copy of the Petition and any attachments filed by Petitioner with the Department, were not available in the Tribunal's case system. Given the discussion at that time, which included varied positions by the parties as to the issue, or issues, for hearing, the Tribunal determined to continue the hearing due to the need to obtain the background documents from the Department.

31. At hearing, Petitioner testified on her own behalf.

32. At hearing, HOA presented the testimony of Pam Zanocco, President of the Board.

33. Petitioner's position is that because Boris had received her email on August 10, 2025 and had responded to her about it on August 10 and 11, 2025, the Board had, in fact, received the records request on August 10, 2025 and, thereafter, the

²⁹ Zanocco testimony.

1 HOA failed to fulfill the records request within 10 days as was required by statute.³⁰
2 Petitioner opined that HOA had to prove she had received the July 2025 ACS
3 Newsletter, essentially arguing that she was unaware of the requirement to post an
4 Action Item on the ACS portal until that requirement was announced at a November 22,
5 2025 meeting. Petitioner also argued that the ACS posting process had no bearing on
6 this matter because the statute does not specify any particular process. Ultimately,
7 Petitioner requested that the Tribunal order HOA to electronically produce records from
8 May 2025 to March of 2026 to Petitioner and to her representative within 10 days.
9 Further, that HOA reimburse the \$500.00 filing fee and that HOA be assessed penalties
10 for repeated wilful disregard of the statute.

11 34. HOA's position is that the Petitioner's email of August 10, 2025 should not
12 be considered to have been submitted to ACS as was required at that time, per the
13 requirement to post an Action Item to ACS on the website. HOA argued that it was not
14 until December 9, 2025 that ACS received a records request from Petitioner through the
15 ACS Action Item process. HOA argued that, at that time in December 2025, ACS
16 responded to the records request within 10 days and provided Petitioner with the
17 opportunity to review the records. Ultimately, HOA requested that the Tribunal dismiss
18 Petitioner's appeal.

19 **CONCLUSIONS OF LAW**

20 1. Pursuant to Ariz. Rev. Stat. §§ 32-2199(2), 32-2199.01(A), 32-2199.01(D), 32-
21 2199.02, and 41-1092 *et seq.*, the Tribunal has the authority to hear and decide the
22 contested case at bar, a dispute between an owner and a planned community
23 association. The owner or association may petition the Department for a hearing
24 concerning alleged violations of community documents or alleged violations of the
25 statutes which regulate planned communities, as long as the petitioner has filed a
26 petition with the Department and paid a filing fee as outlined in Ariz. Rev. Stat. § 32-
27 2199.05.

28 2. Ariz. Rev. Stat § 32-2199.02(A) provides, in pertinent part:

29 ³⁰ Petitioner stated that the "prior" Board had taken email requests and responded to them.

1 The administrative law judge may order any party to abide by the statute,
2 condominium documents, community documents or contract provision at
3 issue and may levy a civil penalty on the basis of each violation.

4 3. Ariz. Rev. Stat. § 32-2199.01(A) provides, in pertinent part:

5 On dismissal of a petition at the request of the petitioner before a hearing
6 is scheduled or by stipulation of the parties before a hearing is scheduled,
7 the filing fee shall be refunded to the petitioner.

8 4. In this proceeding, Petitioner bears the burden of proving by a preponderance of
9 the evidence that Respondent violated Ariz. Rev. Stat. § 33-1805(A).³¹ “A
10 preponderance of the evidence is such proof as convinces the trier of fact that the
11 contention is more probably true than not.”³² A preponderance of the evidence is “[t]he
12 greater weight of the evidence, not necessarily established by the greater number of
13 witnesses testifying to a fact but by evidence that has the most convincing force;
14 superior evidentiary weight that, though not sufficient to free the mind wholly from all
15 reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the
16 issue rather than the other.”³³

17 5. Ariz. Rev. Stat. § 33-1805(A) provides, in relevant parts, as follows:

18 Except as provided in subsection B of this section, all financial and other records
19 of the association shall be made reasonably available for examination by any
20 member or any person designated by the member in writing as the member's
21 representative. The association shall not charge a member or any person
22 designated by the member in writing for making material available for review.
23 The association shall have ten business days to fulfill a request for examination.
24 On request for purchase of copies of records by any member or any person
25 designated by the member in writing as the member's representative, the
26 association shall have ten business days to provide copies of the requested
27 records. An association may charge a fee for making copies of not more than
28 fifteen cents per page.

26 6. The hearing record demonstrates that Petitioner was advised by Thrive in July
27 2025 that Thrive was no longer the management company for HOA and that any

28 ³¹ See ARIZ. ADMIN. CODE R2-19-119.

29 ³² MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

30 ³³ BLACK'S LAW DICTIONARY 1220 (8th ed. 1999).

1 records requests needed to be sent to the new management company.³⁴ Despite
2 having been informed to contact HOA through the ACS website, on August 10, 2025,
3 Petitioner emailed multiple persons, two of whom were not connected to the HOA in any
4 way. While persons received and read Petitioner's email of August 10, 2025, at least
5 two of those persons, Boris Kurtnik and Pam Zanocco, then responded to Petitioner
6 telling her to post the request with ACS. Petitioner's efforts to, apparently, cover all
7 possibilities by simply emailing multiple persons, fell short of submitting a records
8 request to the then known HOA management company.

9 7. The hearing record further demonstrates that Petitioner was advised in
10 September 2025 by the HOA Board regarding using the ACS website as the source for
11 residents to communicate your concerns or ask a question, etc. and that
12 communication contained the ACS website address.³⁵ The Administrative Law Judge
13 concludes that Petitioner's argument fails that she had not known of the requirement to
14 contact ACS or post an Action Item on the ACS portal until that requirement was
15 announced at a November 22, 2025 meeting.

16 8. Based on the hearing record, the Administrative Law Judge concludes that the
17 hearing record demonstrates that Petitioner's August 10, 2025 email requesting records
18 was not received by ACS on August 10, 2025 as an Action Item to which ACS and HOA
19 were required by statute to respond. Based on the foregoing, the Administrative Law
20 Judge concludes that Petitioner has failed to sustain her burden of proof that HOA
21 violated the Ariz. Rev. Stat. § 33-1805(A). Therefore, Petitioner's Petition must be
22 dismissed.

23 **ORDER**

24 Based on the foregoing,

25 **IT IS ORDERED** that Petitioner's Petition is dismissed.

26
27
28 ³⁴ It would appear that Thrive graciously responded to that records request despite not being the HOA
management company in July of 2025.

29 ³⁵ It would appear that Thrive graciously responded to that records request despite not being the HOA
management company in July of 2025.

