



*[Handwritten scribble]*

N/A

*[Handwritten scribble]*

Today's Date: June 12, 2025

*[Handwritten Signature]*  
Your Signature

**This page must be completed and attached to the LAST page of your Motion/Request**

I filed the ORIGINAL of the attached document(s) with the Clerk of the Superior Court in Maricopa County on: June 12, 2025  
Month Date Year

I mailed/delivered a COPY of the attached document(s) to the Judicial Officer assigned to my case, Judge (or Commissioner): Coffey, on June 16, 2025  
Month Date Year (Judicial Officer assigned to your case)

I mailed/delivered a COPY of the attached document(s) on this date:  
June 16, 2025 To: Gardens Gilbert Community Association et. al  
Month Date Year

***(You must mail a copy of all documents to the other side and his/her lawyer)***

Gardens Gilbert Community Association et. al.

Name of Other Side

4135 S. Power Road, Ste. 133

Address

Mesa, Arizona 85212

City, State, Zip

Shaw & Lines, LLC/Augustus H. Shaw IV

Name of Other Side's Lawyer

4523 E. Broadway Road

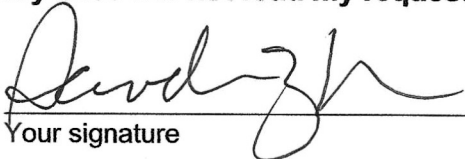
Lawyer's Address

Phoenix, Arizona 85040

City, State, Zip

**By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.**

**I further state that I have filed/mailed the attached document(s) as shown above. I understand that if I do not file/mail the attached document(s) as shown above, the judge in my case will not read my request/motion.**

  
Your signature

## **ADDENDUM A:**

### **PLAINTIFF RESPONSE TO DEFENDANT'S REPLY MOTION CONTEMPT OF COURT, BREACH OF STAY, AND SANCTIONS**

**DEAR HONORABLE JUDGE RODERICK COFFEY;**

**COMES NOW** Plaintiff Sandra Rodriguez, a self-represented litigant and homeowner, and respectfully submits this reply to Defendant's Opposition and Cross-Motion for Sanctions. This reply is submitted not only to correct the factual record and respond to the Defendants' misleading and unsupported assertions, but also to assert Plaintiff's statutory, constitutional, and procedural rights under federal law, Arizona state law, the Arizona Nonprofit Corporation Act, and the governing documents of the Gardens Gilbert Community Association (GGCA).

At the center of this case lies a simple, reasonable request: the release of an architectural form necessary to carry out vital repairs in a home contaminated by toxic black mold—repairs that directly affect the health and safety of Plaintiff and her children. Yet this request has been obstructed for more than 74 days. Instead of cooperation, the HOA and its management company, Focus HOA Management, LLC, have retaliated, lied to the Court, and denied Plaintiff access to forms and processes routinely provided to other homeowners. In doing so, Defendants have not only delayed necessary environmental health repairs but have done so knowingly and with malice—placing a vulnerable family in continued danger.

The misconduct presented is not merely administrative delay—it is a **deliberate abuse of process** that borders on **civil contempt of court**. Defendants and their legal counsel have filed knowingly **false affidavits**, submitted deceptive characterizations of the record, and attempted to deflect their legal responsibilities by attacking Plaintiff's credibility. These actions—especially

repeated misrepresentations to this Court regarding the identity and conduct of their employees—constitute a **pattern of contemptuous conduct** that undermines the integrity of judicial proceedings.

Moreover, Defendant’s invocation of a procedural stay as a weapon to avoid their responsibilities further demonstrates a willful attempt to obstruct justice. Despite clear evidence and repeated filings, Defendants have continued to retaliate against Plaintiff for asserting her legal rights—calling law enforcement, fabricating affidavits, and violating Plaintiff’s rights under the **Fair Housing Act**, the **First and Fourteenth Amendments** guarantees due process and equal protection, and **Arizona’s community association laws**.

This Court is not only asked to enforce rules and timelines—but to **uphold the rule of law** in the face of open defiance and manipulation. Plaintiff respectfully urges this Court to recognize the pattern of abuse, hold Defendants and their counsel accountable for their **contemptuous conduct**, and grant the relief necessary to prevent further irreparable harm to a family whose only request has been fair, lawful treatment and the right to live in a safe home.

## **I. FACTUAL CLARIFICATIONS AND MATERIAL MISREPRESENTATIONS**

### **A. Failure to Provide Architectural Form**

Defendants allege that Plaintiff refused delivery of a certified letter containing the architectural request form. While Defendants provided a copy of the certified mail, this claim remains unsubstantiated. Under **Rule 11(a), Ariz. R. Civ. P.**, allegations made without proper evidentiary support are a misrepresentation to the Court.

Certified mail can be returned for many reasons unrelated to a refusal by the intended recipient. According to the **United States Postal Service (USPS)**, a refusal of mail occurs when the recipient explicitly declines the delivery, which is not the case here. Common reasons for returned certified mail include:

- The recipient being unavailable or not home at the time of delivery.
- The recipient's address being incorrect or not up to date, causing the package to be returned as undeliverable.
- The recipient not retrieving the package from the Post Office within the required holding period.

In this case, despite the certified mail not being delivered to my home, I made a good faith attempt to personally pick up the architectural form directly from Focus HOA Management, LLC. However, upon arriving at the office, I was harassed, belittled, and undermined by the staff. Instead of receiving assistance in obtaining the form, I was subjected to hostile behavior, and the situation escalated when the staff called the police on me, further hindering my attempt to resolve this simple matter.

Under **A.R.S. § 10-11601**, nonprofit HOAs are legally obligated to maintain and provide access to records, including the procedures for architectural requests, upon request. Additionally, the **CC&Rs and Resolutions** (adopted September 1, 2004) require the HOA to **make these forms accessible** and to **respond and approve requests within a 45-day window**. However, over **70 days** have passed since my initial request, and Defendants have failed to provide the required architectural form within the mandated timeframe. Despite their involvement, Defendants have disregarded the 45-day requirement, as evidenced by my Motion to Compel (dated April 10, 2025) and Supplemental Evidence (dated May 5, 2025). See Exhibit #1 for the third attempt and most recent resubmission.

## **B. Video Evidence is Valid and Authentic**

Plaintiff submitted video evidence clearly showing **Focus HOA Management, LLC employees—Jennifer Munn and Brittany Schultz—acting in their official capacities** while refusing to provide a standard architectural form and clarification on the process. In the footage, **Jennifer Munn is visibly positioned behind the reception counter**, answering community-related questions for other homeowners before abruptly changing her tone and refusing service

upon learning Plaintiff's identity. Additionally, **Brittany Schultz is seen entering the front office and interacting with Plaintiff in a supervisory manner**, consistent with her role as a senior staff member. As documented in Exhibit #1, Brittany Schultz is listed as **the company's job title "accountant"** and a member of Focus HOA Management, LLC's leadership team. (See Exhibit #2 and #3)

Defendants' claim that these individuals are unaffiliated with the Association is **directly contradicted by their behavior, statements, and professional functions captured in the recording**. Their presence, conduct, and context in the video **undeniably establish their affiliation**, and any denial to the contrary constitutes a misrepresentation to this Court.

This misrepresentation violates **Ariz. R. Sup. Ct. Rule 42, ER 3.3** (duty of candor toward the tribunal). Under **42 U.S.C. § 3617** of the **Fair Housing Act**, it is also unlawful to coerce, intimidate, or interfere with anyone exercising housing rights.

In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), the U.S. Supreme Court emphasized that due process is violated even by the appearance of partiality. Here, Defendants' conduct and contradictions not only appear partial—they are actively prejudicial.

### **C. Obstruction of the Architectural Process**

Defendants' continued refusal to date to provide or process Plaintiff's architectural request violates GGCA's governing documents, the **Arizona Planned Communities Act (A.R.S. § 33-1805)**, and fiduciary obligations under **A.R.S. § 10-3830**.

As confirmed in *Cohen v. Maricopa County*, 218 Ariz. 30 (App. 2008), board members of associations must act in good faith, with care and loyalty. Instead, the defendants has exhibited a pattern of neglect and obstruction, especially where Plaintiff's race and economic status appear to be contributing factors. These delays and deviations from policy are clearly outlined in the Plaintiff's Reconsideration Motion (dated May 01, 2025).

## **II. LEGAL VIOLATIONS**

### **A. Federal and State Fair Housing Violations**

Under **42 U.S.C. § 3604(b)**, it is illegal to impose different conditions or delays based on race, national origin, or familial status. Plaintiff, a Mexican-American single mother, will submit during discovery comparative evidence that her requests were delayed while white neighbors' applications were processed quickly and without scrutiny. **42 U.S.C. § 3617** also prohibits retaliation against individuals for asserting housing rights.

**Arizona's Fair Housing Act** (A.R.S. § 41-1491.14 and § 41-1491.19) mirrors these protections. In *Trafficante v. Metropolitan Life Ins. Co.*, 409 U.S. 205 (1972), the Court held that individuals impacted by racial discrimination in housing—even indirectly—have standing to seek relief.

### **B. Constitutional Violations and Right to Access the Courts**

Plaintiff's filings arise out of necessity—not malice or legal strategy. As a low-income litigant, Plaintiff is exercising her First Amendment right to petition the Court for relief from ongoing harm. The Defendants' request for sanctions seeks to punish Plaintiff for accessing the legal system.

In *BE&K Constr. Co. v. NLRB*, 536 U.S. 516 (2002), the **U.S. Supreme Court** ruled that access to the courts—even if unsuccessful—is constitutionally protected speech. Furthermore, under **42 U.S.C. § 1983**, state actors or quasi-governmental entities like HOAs may be held liable for depriving individuals of their constitutional rights under color of law.

### **D. Emergency Conditions and Health Hazards**

Plaintiff and her children are currently suffering from exposure to toxic black mold in their home, leading to severe respiratory and neurological symptoms. These health effects are not

speculative— they are supported by documented symptoms and CDC research. According to the CDC, exposure to black mold can result in serious and chronic health issues, including respiratory problems, asthma, coughing, wheezing, neurological symptoms such as headaches and dizziness, and even more severe consequences like cancer and leukemia, particularly for children and individuals with weakened immune systems. (See medical affidavit Exhibit #5)

This situation constitutes an ongoing **health emergency** that justifies immediate judicial intervention. Under *Ex parte Young*, 209 U.S. 123 (1908), courts have equitable authority to act when there is imminent and irreparable harm. Here, that harm is present, persistent, and escalating. Moreover, **A.R.S. § 33-1805(C)** places an affirmative duty on HOAs to maintain the community in a manner that does not endanger the health and safety of residents. Defendant’s delay, obstruction, and denial of necessary repair forms have directly contributed to the continued presence of these hazardous conditions.

Plaintiff has made every effort to remedy the situation through proper channels, but the continued refusal by Defendants to facilitate essential repairs—particularly during a period of known mold exposure—represents a gross abdication of their legal and ethical responsibilities.

Under *Ex parte Young*, 209 U.S. 123 (1908), federal courts have equitable jurisdiction when there is a risk of “immediate and irreparable injury.” Likewise, **A.R.S. § 33-1805(C)** obligates HOAs to maintain community safety. The HOA’s failure to act has endangered this family’s health and stability.

#### **E. Attorney Misconduct and Ethical Violations**

Defense counsel Augustus H. Shaw IV has made unsubstantiated claims, refused to cooperate in basic discovery, and attempted to silence Plaintiff through sanctions. These actions violate:

- **ER 3.1:** Filing frivolous and unsupported claims
- **ER 4.4(a):** Using the legal process to burden a third party

- **ER 8.4(d):** Engaging in conduct prejudicial to the administration of justice

Sanctions may be appropriate under **A.R.S. § 12-349** for any attorney who unnecessarily expands litigation or acts in bad faith. The record shows that Plaintiff provided notice, documented her attempts, and received no meaningful response.

### **III. CONTEMPT OF COURT: FAILURE TO COMPLY WITH DUTIES**

#### **AND COURT ACCESS INTERFERENCE**

Defendants' actions amount to ongoing obstruction, retaliation, and willful contempt of court. Despite clear legal obligations under HOA governing documents, Arizona law, and federal housing protections, the Defendants and their counsel have knowingly misrepresented facts, interfered with judicial access, and abused court procedures in an attempt to silence and punish a vulnerable pro se litigant seeking to protect her children from a health crisis.

#### **A. Documented Noncompliance with HOA Duties and Governing Law**

As outlined in Plaintiff's **Motion for Contempt of Court, Breach of Stay, and Sanctions (May 19, 2025)**, Defendants have willfully delayed, obstructed, and denied access to the architectural form mandated by their own CC&Rs and Architectural Resolutions (Sept. 1, 2004). These documents clearly state:

*“All architectural requests shall be reviewed by the Committee and responded to within 45 days of submission.”*

Plaintiff first requested the form in April 2025. She received it only after 41 days—and was automatically denied on **May 26, June 5, and June 11**, without meaningful explanation. This delay exceeds the 45-day requirement and constitutes a breach of duty under both the HOA's internal regulations and **A.R.S. § 10-3830**, which requires nonprofit directors to act in good faith and with due care.

Plaintiff has states to the Court:

*“I am a struggling mother dealing with major mold toxicity in my home...  
The continued emails submitted to the court show Defendants and their legal  
counsel continue to discriminate against me based on my socioeconomic status,  
race, and by refusing to provide the most basic information—a simple form.”*

### **B. Misrepresentation and Bad Faith Conduct by Defendant’s Counsel**

Plaintiff submitted irrefutable video evidence clearly identifying **Jennifer Munn** and **Brittany Schultz**—employees of Focus HOA Management, LLC—refusing to provide the form after Plaintiff identified herself. The video shows:

- **Jennifer Munn** initially engaging calmly, confirming the location and offering help until Plaintiff gave her name and address. At that point, she withdrew, contacted Attorney Shaw, and returned with Community Manager **Brooke Sortor**, who shouted at Plaintiff and called the police.
- **Brittany Schultz**—visible in the video and working behind the desk—has been identified as a senior staff member and accountant for Focus HOA Management, LLC (See **Exhibit #2, #3, and #4**), and is the relative of GGCA Board President **Anna Schultz**.

Yet Defendants submitted affidavits signed only by **Anna Schultz** and **Brooke Sortor**, denying any affiliation. These affidavits are misleading, raise substantial conflict-of-interest concerns, and constitute a deliberate attempt to mislead this Court. Neither **Munn** nor **Schultz** submitted their own affidavits to rebut the allegations.

Under **Arizona Rule of Civil Procedure 11(a)** and **Ethical Rules 3.3, 4.4(a), and 8.4(d)**, knowingly submitting false statements, abusing the legal process, and misleading the Court are grounds for sanctions and contempt findings.

*“The person behind the desk was Brittany Schultz... yet they’re denying she is an employee, even though she’s directly related to the Board President. That is highly unethical and shows a blatant conflict of interest.”*  
— Plaintiff Affidavit

### **C. Targeted Retaliation and Misuse of Legal Process**

The attempt to sanction Plaintiff—an indigent, self-represented single mother suffering from documented mold exposure—represents an unethical weaponization of legal procedure. Sandra explains:

*“To request sanctions from someone because she’s requesting access to the courts due to the health and safety issues at play is unconstitutional and frankly abusive... I am barely surviving, and they are using the courts to punish me for trying to protect my children.”*

This conduct violates the protections outlined in the **Arizona Rules of Professional Conduct ER 4.4(a)** (prohibiting abuse of legal process) and **ER 8.4(d)** (prohibiting conduct prejudicial to the administration of justice), as well as the federal right to petition the government protected under the **First Amendment**.

Plaintiff has made every reasonable effort to comply with the HOA’s rules and court procedures despite being without legal representation and under severe economic and medical stress. As she stated:

*“All I wanted was the form... so I can comply with the rules, fix our windows, and protect my children. Instead, I’ve been met with hostility, racism, lies, and health risks that could harm us for life.”*

For these reasons, Plaintiff prays this Honorable Court will not only deny the Defendant’s motion for sanctions, but also issue sanctions and contempt findings against the Defendants and

their counsel for their willful and repeated violations of law, ethics, and the rights of a vulnerable family seeking justice.

#### **IV. DEFENDANTS' FALSE ALLEGATIONS AND ABUSE OF PROCEDURE**

##### **WARRANT CONTEMPT FINDINGS**

###### **A. Mischaracterization of Plaintiff's Filings and Intent**

The Defendant's claim—"Plaintiff submitted the same Motion to the Court and sent a copy to Defendant's counsel on May 19, 2024, and then re-sent it on May 27, 2024... highlighting improper and duplicative conduct"—is wholly **obscure, misleading, and baseless**. I have acted **in good faith** by serving all motions filed in **Maricopa County Superior Court and the Arizona Court of Appeals, Division One**.

It is not misconduct to ensure a represented party receives notice of filings. The Defendant and their counsel, Mr. Augustus H. Shaw IV, have failed to specify which motions are allegedly duplicative, because no such duplicative filings exist. The confusion arises not from improper behavior on my part, but from the Defendant's own **disorganized and obstructive communication**. As a self-represented litigant navigating two courts and filing time-sensitive motions concerning ongoing mold exposure, I exercised diligence, not deceit.

To suggest that I should be sanctioned for providing notice is unethical and deceptive. If Mr. Shaw desires a specific filing method, it is his duty—as an officer of the court—to communicate that preference respectfully and clearly. His failure to do so and then weaponizing that silence against me is not only **bad faith litigation** but borders on **Rule 11 abuse**, which sanctions parties for legal filings made for improper purpose (**Ariz. R. Civ. P. 11(a)**).

###### **B. Misrepresentations Regarding Video Evidence and HOA Staff Identity**

The Defendants' statement—"Defendant has no idea who the person in the Plaintiff's 'video evidence' is"—is **knowingly false and contemptuous** of this Court's integrity. As shown

in the video (previously submitted), the individuals behind the desk are **Jennifer Munn** and **Brittany Schultz**, both acting in **official roles** for **Focus HOA Management, LLC**.

In fact:

- Jennifer Munn greeted me politely, **acknowledged me as a homeowner requesting help**, and then visibly changed demeanor after I identified myself and my address.
- Munn then **withdrew to the back office to contact attorney Shaw** and returned with **Brooke Sortor**, who **shouted at me**, called the police, and escalated the situation without legal justification.
- **Brittany Schultz**, also present and working the front desk, is **related to Gardens Gilbert Community Association Board President Anna Schultz**. Exhibit #1 includes a professional photograph identifying Brittany as a **senior staff member and accountant for Focus HOA Management, LLC**.

The Defendants' affidavits—signed only by **Anna Schultz** and **Brooke Sortor**, both of whom have personal and professional conflicts of interest—are **misleading**, and should be treated with suspicion. Neither **Brittany Schultz** nor **Jennifer Munn** submitted sworn affidavits to rebut the video, despite being central to the alleged encounter.

Lying to the Court is a serious matter. Rule 3.3 of the Arizona Rules of Professional Conduct bars attorneys from **making false statements of fact** and obligates them to **correct false evidence**. See also *United States v. Shaffer Equipment Co.*, 11 F.3d 450, 457 (4th Cir. 1993): attorneys who engage in “calculated misrepresentations” may face sanctions and ethical referrals.

### **C. Pattern of Hostility, Harassment, and Retaliation**

Mr. Shaw’s assertion that my motion is “a disingenuous attempt to defame the Defendant” is **not only unfounded**, it is a **projection of the Defendant’s own misconduct**.

From the outset, I have been met with **hostility, intimidation, and racial bias**, including:

1. Being **hung up on** by Community Manager Brooke Sortor on **November 17, 2023**, when I tried to report pet waste issues (see Motion to Compel).
2. Being told by Jennifer Munn on **April 11, 2025**, that an architectural form was required—but once I identified myself, she **refused to send it to me** (See Record filed on April 11, 2025.)
3. Being **denied the architectural form for over 41 days**, in violation of HOA Bylaws and Resolutions requiring processing within **45 days**.
4. Being **automatically denied twice times**—on May 26 and June 5, **even after finally receiving the form**.

Worse, they **called the police on me**—a mother of two—while I was **peacefully requesting a basic form** during an ongoing **public health hazard (black mold exposure)**.

These actions are not routine HOA practices; they are targeted, retaliatory, and discriminatory. Under **42 U.S.C. § 3617**, it is unlawful to **coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of housing rights**. See *Bloch v. Frischholz*, 587 F.3d 771, 781 (7th Cir. 2009).

### **C. Disparaging the Plaintiff While Concealing Misconduct**

Defendants claim, “Plaintiff has shown a complete disregard for the Arizona Rules of Civil Procedure and the authority of this Court.” This is **a gross inversion of truth**.

I have:

- Filed detailed, evidence-backed motions.
- Provided clear timelines and supporting exhibits.
- Communicated respectfully and in writing.
- Complied with every court directive to the best of my ability.

Defendants, on the other hand, have:

- Lied about employee identities.
- Submitted misleading affidavits.
- Denied forms and due process.
- Weaponized a stay order to obstruct simple requests.
- Retaliated with baseless accusations and police intimidation.

## **V. RELIEF REQUESTED**

In light of the factual record, legal violations, and ethical breaches detailed above, Plaintiff respectfully requests that this Court:

- 1. Deny Defendant's Cross-Motion for Sanctions in its entirety as retaliatory, unfounded, and intended to chill Plaintiff's right to access the courts;**
- 2. Grant Plaintiff's Motion for Contempt against the Defendant and their legal counsel for knowingly misrepresenting material facts to the Court and obstructing justice in violation of Rule 11(a), the Arizona Rules of Civil Procedure;**
- 3. Strike the misleading affidavits** submitted by Anna Schultz and Brooke Sortor as they contradict clear, video-documented evidence and omit the roles of key individuals acting on behalf of **Focus HOA Management, LLC;**
- 4. Order the immediate release of the full architectural process and approve the architectural request form already submitted by Plaintiff** on three separate occasions; further compel the Defendant to provide clear, written responses to Plaintiff's outstanding questions regarding the application requirements, consistent with the HOA's governing documents, including the CC&Rs and the Architectural Resolutions dated September 1, 2004;

5. **Subpoena Brittany Schultz and Jennifer Munn to testify under oath regarding their active roles at Focus HOA Management, LLC** and their direct involvement in Plaintiff's May 2, 2025 attempt to obtain the architectural form;
6. **Impose sanctions on Defendant's counsel, Augustus H. Shaw IV, for violations of the Arizona Rules of Professional Conduct**—specifically:
  - **ER 3.3** (lack of candor toward the tribunal),
  - **ER 4.4(a)** (use of legal process to burden another), and
  - **ER 8.4(d)** (conduct prejudicial to the administration of justice);
7. **Award compensatory damages for the retaliation, obstruction, and emotional distress suffered by Plaintiff and her children**, who continue to endure unsafe living conditions due to the Defendant's deliberate inaction;
8. **Investigate and remedy the discriminatory conduct under both the federal Fair Housing Act (42 U.S.C. §§ 3604, 3617) and the Arizona Fair Housing Act (A.R.S. § 41-1491.14 et seq.)**, based on Defendant's (Gardens Gilbert Community Association and Focus HOA Management, LLC) unequal treatment of Plaintiff compared to similarly situated homeowners;
9. **Reaffirm Plaintiff's constitutional right to petition the Court under the First and Fourteenth Amendments**, especially in the face of ongoing environmental health hazards and economic hardship.

## **VI. CONCLUSION**

Plaintiff Sandra Rodriguez does not come before this Court asking for special treatment—only equal access, compliance with the law, and basic human dignity. Her filings are not tactical maneuvers, but desperate attempts to protect her children's health and secure safe housing—something every family deserves, regardless of race or income.

What is at stake is more than an architectural form—it is the principle that no HOA, no law firm, and no official should have the power to ignore the law, deny due process, and endanger families.

Sandra Rodriguez v. Gardens Gilbert Community Association (GGCA) et. al.

**Maricopa Superior Court Case No.:** CV2024-005940

**Appeals Court of Arizona (District One) Case No.:** 1 CA-CV 24-0790

**Supreme Court of Arizona Case No.:** CV 24-0286-PR

This Court has the power to affirm justice, deter misconduct, and ensure that vulnerable residents are not silenced by bureaucracy or bias. Plaintiff respectfully requests that the Court act accordingly.

Respectfully submitted,

**Sandra Rodriguez**

# **EXHIBIT #1**

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**Resubmittal: Architectural Form for Approval (Attempt #3) (Correction)**

1 message

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**Sandra Rodriguez** <sandra.rodriguez0339@gmail.com>

Wed, Jun 11, 2025 at 8:33 AM

To: Augustus Shaw &lt;ashaw@shawlines.com&gt;

Cc: Brooke Sortor &lt;Brooke@focushoa.com&gt;, Focus Info &lt;info@focushoa.com&gt;, Harman Cadis &lt;harman@focushoa.com&gt;, Anna Schultz &lt;anna6890@yahoo.com&gt;

Bcc: Sandra Rodriguez &lt;sandra.rodriguez0339@gmail.com&gt;

*I am resubmitting this now with Architectural Form #3 properly attached. Correction below*

On Wed, Jun 11, 2025 at 7:58 AM Sandra Rodriguez <sandra.rodriguez0339@gmail.com> wrote:

Dear Gardens Gilbert Community Association Board and Focus HOA Management, LLC:sa

I am once again submitting my completed Architectural Form and all related documentation for the replacement of my windows. This is now my **third formal request**, following submissions on **May 13, 2025** and **June 2, 2025**, which were preceded by my original inquiry on **April 2, 2025**. Despite multiple emails, photographs, and confirmations sent in good faith, you have yet to issue a decision or provide any specific guidance.

The proposed replacement windows are standard **white vinyl windows** (JELD-WEN V-2500 and Milgard V250 Style Line), selected for their affordability and availability. These windows are comparable in style and appearance to those currently installed and are intended to address serious **health and safety issues** stemming from mold intrusion.

### **Documented Discrimination and Obstruction**

Over the last 71 days, I have made multiple efforts to comply with your architectural review requirements. Yet, I continue to face **obstruction and discriminatory treatment**, including:

- **Refusal to provide the architectural form** for an extended period, delaying my ability to even apply;
- **Vague and shifting justifications** based on CC&R language, without specific clarification, despite my repeated requests;
- **Unequal treatment compared to white neighbors**, who confirmed they received prompt approvals without being questioned on glass color or subjected to the same scrutiny;
- **Hostile conduct**, including threats to call law enforcement and being physically removed from your office, simply for seeking clarification on my application.

These actions are not only unjust — they amount to **discrimination** and **retaliation** under the **Fair Housing Act (42 U.S.C. § 3604)** and applicable Arizona civil rights laws. As a **Latina single mother** with limited financial means, I have been denied equal access to basic housing services and subjected to a pattern of disparate treatment based on race, socioeconomic status, and family status.

The HOA's ongoing refusal to approve this critical repair has extended our exposure to dangerously high levels of indoor mold—as confirmed in air quality report. According to the Centers for Disease Control and Prevention (CDC), *all types of mold are potentially hazardous and should be removed promptly*, regardless of species. The CDC warns that mold exposure can cause respiratory illness, allergic reactions, and long-term health effects, especially in children, the elderly, and individuals with preexisting conditions. By continuing to delay and obstruct this necessary window replacement, the HOA is directly contributing to ongoing, irreparable harm to my family's health and safety.

### **What Is Attached**

**For your convenience, I am resubmitting the following:**

- The Architectural Form submitted on June 11, 2025
- Photographs of the current windows and proposed white replacements (previously sent via email April 2, 2025);
- Screenshots of specific pictures of windows for your review

## Final Notice

Should I not receive a written response by **Monday, June 16, 2025 at 8:00 AM**, I will be compelled to consider the following actions to ensure the matter is appropriately addressed

- Pursue **judicial relief** through the Maricopa County Superior Court and the Arizona Court of Appeals;
- File formal discrimination complaints with the **Arizona Department of Housing, HUD**, and the **Arizona Attorney General's Civil Rights Division**.

This window replacement is not cosmetic — it is an urgent repair necessary to protect the health and safety of my children and me. Please let me know if you need anything else.

Sincerely,

**Sandra Rodriguez**

On Fri, Jun 6, 2025 at 4:09 PM Augustus Shaw <ashaw@shawlines.com> wrote:

Please see the attached.

Augustus H. Shaw IV†\*

Shaw & Lines, LLC

4523 E. Broadway Road

Phoenix, AZ 85040

Phone 480-456-1500

Fax 480-456-1515

e-mail ashaw@shawlines.com

web site www.shawlines.com

†Licensed in Arizona and Nebraska

\*Faculty Associate - Arizona State University O'Connor College of Law

\*Member, College of Community Association Lawyers

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YOU.

**THIS FIRM MAY ACT AS A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**From:** Sandra Rodriguez <sandra.rodriguez0339@gmail.com>  
**Sent:** Monday, June 2, 2025 8:00 AM  
**To:** Brooke Sortor <Brooke@focushoa.com>  
**Cc:** Focus Info <info@focushoa.com>; Harman Cadis <harman@focushoa.com>; Anna Schultz <anna6890@yahoo.com>; Augustus Shaw <ashaw@shawlines.com>  
**Subject:** Re: Resubmittal: Architectural Form for Approval (Attempt #2)

Dear Gardens Gilbert Community Association, Focus HOA Management, LLC, c/o Augustus H. Shaw IV;

I am writing to formally document that I have not received a response to my resubmittal. As a result, my architectural application has not been reprocessed, which constitutes an ongoing denial of my rights as a homeowner.

This failure to act violates due process protections under the Fourteenth Amendment, the Fair Housing Act (42 U.S.C. § 3604), and Arizona state law, including A.R.S. § 33-1817 and § 33-1256. These laws require associations to maintain and follow clear, reasonable procedures and prohibit arbitrary or retaliatory decisions concerning architectural requests.

It is important to note that while your office and legal counsel, Augustus H. Shaw IV, continue to send billing notices and demand dues, you have refused to meet your basic legal obligations—namely, to provide requested information and process applications in good faith. The existence of a cease and desist does not relieve the Association or its representatives from complying with state and federal obligations to communicate and act in accordance with governing statutes and community documents.

In the meantime, serious and unresolved health and safety issues remain at my property, including ongoing exposure to black mold. Your inaction continues to place my family at risk and increases the Association's liability.

I request immediate written confirmation that my application will be reviewed and reprocessed without further delay, and that a full explanation of the HOA's approval process will be provided as required by law.

Sincerely,

Sandra Rodriguez

On Mon, May 26, 2025, 3:09 PM Sandra Rodriguez <sandra.rodriguez0339@gmail.com> wrote:

**Dear Gardens Gilbert Community Association c/o Focus HOA Management, LLC;**

As previously stated in my email on May 13, 2025, and reiterated to Mr. Augustus H. Shaw IV, I clearly indicated in my original architectural request that **the dimensions, material, and color of the proposed windows will match the original builder-installed windows**. This includes consistency with the current home exterior and existing frame style.

Attached again for your convenience are the following:

- My original **Architectural Form** submitted on May 13, 2025
- The email confirmation and correspondence showing timely submission
- Reference photos of the current windows and intended replacements

Despite these submissions, I received a denial on May 14, 2025, requesting details **not required** under the governing documents. Nowhere in the **CC&Rs, Articles of Incorporation, Design Guidelines, or Architectural Rules and Resolutions** is there a requirement for homeowners to submit a "sample picture of the windows" or "glass color" when the replacement matches the existing structure in size, color, and type.

Per the **Design Guidelines and Architectural Review Rules**:

*"Review will include, but is not limited to, consideration of material, quality of workmanship, colors, and consistency with the external design and color of existing structures on the lot..." – Design Guidelines, p. 2–3.*

Nowhere in these standards is a color of *glass* or additional photographic sample required when the improvement is like-for-like.

Moreover, **CC&Rs Section 3.5** provides that changes consistent with existing architecture require approval **only to confirm aesthetic continuity**, not to impose undocumented burdens or subjective requirements.

The **Articles of Incorporation** and **Bylaws** both impose a duty on the Board to operate in good faith and in furtherance of member interests. No part of those documents grant arbitrary authority to obstruct standard home repairs matching original construction.

This denial and request for resubmittal, despite full compliance with your own published standards, also conflicts with:

- **A.R.S. § 10-3301 et seq.** (Arizona Nonprofit Corporation Act)
- **A.R.S. § 33-1817** (Planned Community Act – Architectural Approval)
- **Federal Fair Housing Act & AZ HUD oversight requirements** regarding reasonable accommodation and health/safety-based requests

As of today, **it has been 54 days** since my initial submission on April 2, 2025. Under both your **Design Guidelines** and **A.R.S. § 33-1817(A)**, the Association has a **maximum of 45 days** to respond to architectural requests. If no decision is issued within that time, **the request is deemed approved by operation of law**.

Accordingly, I respectfully demand the following:

1. Immediate reprocessing and approval of my May 13, 2025 architectural request, referencing my original submittal and photos provided.
2. Written confirmation of this approval within **7 business days** from the date of this letter.

Please also note that this ongoing obstruction has been formally reported to the **Arizona Attorney General's Office** and **Arizona HUD/Fair Housing Division** for investigation.

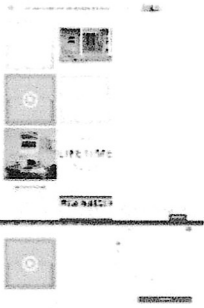
I reserve all legal rights and remedies, including under federal housing law, **A.R.S. Title 33**, and applicable nonprofit governance statutes.

Sincerely,

**Sandra Rodriguez**

---

**4 attachments**



**JELD-WEN V-2500 Window (Master).png**  
1409K



**My Email to GGCA, F.HOA, et al. Shaw - Replacement Windows Info 05.04.25.pdf**  
187K



**2. Architecural Form #3 06.11.25.pdf**  
1156K



**Milgard V250 Style Line Series 59-1\_2-in x 59-1\_2-in White Left-Handed Vinyl Sliding Window.pdf**  
359K

# **EXHIBIT #2**



Home



My Network



Jobs



Messaging



Notifications



Me



For Business



Try Premium

# The Knotted Wick Candle Co.

APOTHECARY



## Brittany Beuzekom Schultz

Small Business Owner • Licensed Esthetician • Accounting @ Focus HOA Management

Greater Phoenix Area • Contact info

474 followers • 418 connections

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Message

More

### Activity

474 followers

+ Follow

Posts

Comments



**Brittany Beuzekom Schultz** • 3rd+  
Small Business Owner • Licensed Esthetician...  
2w •

Novella Cruce you are such an inspiration! Your leadership has always inspired me to do better, to grow, and trust the process. Your ability to handle hard situations as a leader/manager with grace is what makes you shine! You don't just care about your growth, you bring your skills and knowledge to those around you. You are a true rockstar! Thank you for always lifting me up!! The world need more people like you in it!

7 • 1 comment



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**Brittany Beuz**  
Small Business Ow...  
1mo •

Super excited to share my company that values you, your time has been amaz


Starting a

26 • 6 comments

Enhance your own profile by adding a work experience. Add experience



### Experience

 **Focus HOA Management**  
1 yr 11 mos


**Accountant**  
Full-time  
Sep 2023 - Present · 1 yr 10 mos

**Accountant**  
Full-time  
Sep 2023 - Present · 1 yr 10 mos

**Accounting Manager**  
Full-time  
Sep 2023 - Present · 1 yr 10 mos


Show all 4 experiences →

**Company Owner**  
The Knotted Wick Candle Co.  
Jun 2021 - Present · 4 yrs 1 mo

 **Home Point Financial**  
3 yrs 11 mos

**TPO collateral support**  
Full-time  
Jul 2020 - May 2024 · 3 yrs 11 mos


**Loan support specialist**  
Jul 2020 - May 2024 · 3 yrs 11 mos

 **Administrative Tax Processor**  
Hunter Hagan & Company, Ltd. · Full-time  
Jan 2015 - Jun 2020 · 5 yrs 6 mos

 **Administrative Assistant**  
McGladrey  
Jul 2014 - Jan 2015 · 7 mos

Show all 10 experiences →

## Education

 **Studio Academy of Beauty**  
Aesthetics, Aesthetician/Esthetician and Skin Care Specialist  
2009 - 2009

## Skills

**Data Entry**  
4 endorsements

**Outlook**  
12 endorsements

Show all 42 skills →

## Recommendations



Received    Given


Nothing to see for now

Recommendations that Brittany receives will appear here.


Interests

Top Voices Companies Groups Newsletters Schools

 **Tom Hood, CPA,CGMA,CITP**   
 EVP Business Engagement & Growth @ AICPA | High-Performance Training & Strategic Partnerships  
 701,052 followers  
 + Follow



 **Cindy Fornelli**   
 Director at TriplePoint Venture Growth BDC  
 832,427 followers  
 + Follow


More profiles for you

 **Kim Roberts** · 3rd+  
 Supervisor/Accountant at Hunter Hagan & Company  
 Message

 **Todd Kissack** · 3rd+  
 Sr Staff Accountant  
 Message

**Julie Flider** · 3rd+  
 Accountant  
 Message


 **Michele Arana-Bianchi**  · 3rd+  
 Entrepreneur | Economic Development Advocate | Founder of Internode Greenery & Home and Chicago Street Markets  
 Message



 **Delphine W.** · 3rd+  
 Entrepreneur, Business and Legal Advisor  
 Message


Show all

People you may know

From Brittany's school


 **Christa Bradley**  
 • Mortgage Loan Officer | TX, NC, CO & FL • First-Time Homebuyer Specialist  
 + Connect

 **Brae McGhee**   
 Packing Associate At Pactiv Evergreen

 Connect




**Juliana Ledesma**

 Connect




**Bianca Johnson** ✓

Owner at Threads Sew Blessed, LLC

 Connect

**Erica Sicre** ✓

Business Coach | Co-Founder of Wax Pro Academy

 Connect

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**Fresher Jobs**

Human Resources Services

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# **EXHIBIT #3**



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People

- 1st 2nd 3rd+

- LinkedIn Member Co-Founder of Focus HOA Management Mesa, AZ
LinkedIn Member VP of Management Services /Senior Community Manager at Foc... Mesa, AZ
LinkedIn Member Small Business Owner • Licensed Esthetician • Accounting @ Foc... Greater Phoenix Area

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Posts


- From my network Past 24 hours Past week


Kuester Management Group 1,247 followers 1w •
From handling collections to managing communications, HOA management companies support key functions so the board can focus on bigger decisions. #HOA #HOAManagement #Collections #Communication https://ow.ly/V7ky50VRPhc



- 3
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Biên Hòa, Dong Nai, Vietnam (On-site) [View job](#)




   23


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### Companies

 **Focus HOA Management** [Follow](#)


Mesa, Arizona  
26 followers


**Focus HOA Management** is a company based out of 4135 S Power Rd Ste 133, Mesa, Arizona, United States.

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### More people

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Providing property management services with a focus on...  
Scottsdale, AZ

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Professional mindset with experience in management, sales and...  
Mesa, AZ

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Account Manager at Salvage Data Recovery | Data Recover...  
Gilbert, AZ  
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**LinkedIn Member**

I am an experienced HOA & Condo Client Manager & Accounts...  
Crestview, FL

**LinkedIn Member**

VP, HOA Operations Manager  
Mesa, AZ

**LinkedIn Member**

Chief Financial Officer  
Gilbert, AZ



**LinkedIn Member**

Accountant Profile  
Fontana, CA

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# **EXHIBIT #4**

## Locations

4135 S Power Rd Ste 133

Mesa, Arizona 85212, US

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## Employees at Focus HOA Management



**Brittany Beuzekom Schultz**

Small Business Owner • Licensed...



**Brooke S.**

VP of Management Services /Senior...

[See all employees](#)

## Similar pages



# **EXHIBIT #5**

## EXHIBIT #5:

### MEDICAL AFFIDAVIT OF SANDRA RODRIGUEZ

I, **Sandra Rodriguez**, hereby declare under penalty of perjury the following facts in support of the urgent need for intervention by this Court regarding the ongoing hazardous living conditions caused by toxic black mold exposure in my home:

1. **Personal and Family Information:** I am the Plaintiff in this case and a resident of **4375 E. Betsy Lane**, Gilbert, Arizona 85296. I am the mother of two children, **D.R.** and **S.R.**, who have also been affected by mold exposure in our home.
2. **Exposure to Toxic Black Mold and Other Mold Species:** Despite my repeated requests, the **Gardens Gilbert Community Association (GGCA)** and **Focus HOA Management, LLC** have failed to provide me with the necessary architectural forms required to initiate mold remediation, despite my repeated requests over the past **70 days**. This delay has worsened our exposure to mold and is directly linked to the ongoing health issues my family is experiencing.
3. **Health Symptoms and Medical Diagnoses:** As a result of the mold exposure, my family and I have experienced severe and worsening health symptoms, including:
  - **Respiratory Issues:** Persistent coughing, wheezing, shortness of breath, chest tightness, nasal congestion, and difficulty breathing.
  - **Neurological Symptoms:** Severe headaches, dizziness, cognitive fatigue, mental fog, and difficulty concentrating.
  - **Children's Symptoms:** Chronic coughing, sinus infections, allergic reactions, fatigue, and difficulty focusing, all of which have been diagnosed by their pediatrician.

These symptoms have been diagnosed by **Desert Pulmonary & Sleep Consultants**, where I was treated for **asthmatic bronchitis** and **chronic sinusitis**, both of which are directly linked to environmental mold exposure. I have been prescribed **Qvar** (an inhaler), **albuterol** (for acute symptoms), and **Trelegy Ellipta** (for asthma control).

On **June 4, 2025**, a follow-up visit with **Valley ENT** confirmed that I am suffering from globus sensation, tinnitus (ringing in the ears), and severe headaches, all symptoms consistent with prolonged mold exposure.

4. **Ongoing Treatment and Medical Recommendations:** I have sought ongoing treatment for my **respiratory and neurological symptoms**, which have been diagnosed as a result of mold exposure. My physicians have recommended **immediate remediation** to address the source of these health problems. The continued exposure is causing further deterioration in our health, and without proper intervention, there are serious risks of long-term damage.
5. **Urgency of Health Crisis and Need for Remediation:** The ongoing exposure to mold has created an **urgent health and safety emergency**. The **Centers for Disease Control and Prevention (CDC)** confirms that exposure to black mold can result in **respiratory illnesses, chronic sinus problems, and neurological damage**. Children and immunocompromised individuals are especially vulnerable to these health consequences.

My children and I are suffering from these known health effects, and the failure of the HOA to provide the architectural form for mold remediation has **exacerbated our conditions**. Immediate remediation is necessary to prevent **long-term respiratory issues** or more severe neurological consequences.

6. **Reluctance and Delays from the HOA:** Despite the clear health risks and the urgency of this situation, the HOA has failed to act. I have requested the **architectural form** required for remediation on **three separate occasions**, but the HOA has delayed and refused to provide it within the **45-day window** mandated by their governing documents. This delay has led to ongoing exposure to toxic mold, further jeopardizing our health.
7. **Consequences of Delay:** The delay in obtaining the necessary approvals has **cost me a** federal grant that would have assisted in covering the cost of **mold remediation** and the **replacement of windows** due to my **indigent status**. The Defendants and their legal counsel, **Mr. Shaw**, took far too long to provide the necessary approvals, leaving us without the financial assistance we desperately needed.
8. **Homelessness:** Our doctors have explicitly advised that we cannot continue living in our home with the current mold contamination, as the severity of the mold poses a serious health risk. Without proper mold remediation, it is unsafe for us to remain in the residence, potentially leading to homelessness if the issue is not resolved promptly.
9. **Request for Immediate Relief:** Given the severity of the situation, I respectfully request the Court's immediate intervention to address the health and safety emergency caused by the mold exposure. The following relief is urgently needed:
  - o **Immediate approval of the architectural request form**, which is necessary to commence mold remediation and protect the health of my family.
  - o A judicial order compelling the HOA to comply with its own **CC&Rs** and **Arizona law** regarding health and safety standards, specifically **A.R.S. § 33-1805(C)**, which requires the HOA to ensure a safe living environment for residents.
  - o An **investigation into the delay** by the HOA and its management company, which has directly led to the exacerbation of our health problems and financial hardships.

Sandra Rodriguez v. Gardens Gilbert Community Association (GGCA) et. al.

**Maricopa Superior Court Case No.:** CV2024-005940

**Appeals Court of Arizona (District One) Case No.:** 1 CA-CV 24-0803

**Supreme Court of Arizona Case No.:** CV 24-0286-PR

10. **Affirmation of Truth:** I affirm under penalty of perjury that the statements in this affidavit are true and correct to the best of my knowledge. The continued exposure to toxic black mold in our home represents an **ongoing health and safety crisis** that requires **immediate legal intervention** to prevent further harm to my family.

Executed this 12<sup>th</sup> day of June, 2025, in Maricopa County, Arizona.

A handwritten signature in black ink, appearing to read 'Sandra Rodriguez', with a stylized flourish at the end.

Sandra Rodriguez