Mark R. LaVoy

August 9, 2026

VIA CERTIFIED MAIL

Board of Directors
Alta Mesa Community Association, Inc.
c/o Empire Community Management
1959 S. Power Road, Suite 103-444
Mesa, Arizona 85206

RE: Formal Notice Regarding Public Roadway Enforcement Under A.R.S. § 33-1818

Dear Members of the Board of Directors:

This letter is being sent individually to each member of the Board of Directors by **Certified Mail** to ensure that every Director personally receives notice of the legal issues presented and the enclosed supporting documents.

The purpose of this letter is to ensure that each Director has the opportunity to independently evaluate the Association's continued enforcement of parking restrictions on public roadways after reviewing the applicable statute, the legislative history, the statement by the bill's sponsor, and the supporting documentation enclosed with this letter. It is my sincere hope that, after reviewing these materials, the Board will carefully reconsider its current position and that this matter can be resolved without the need for litigation.

I respectfully request that each Director review these materials before authorizing any further enforcement of parking restrictions on public roadways owned and maintained by the City of Mesa.

It is my position that the Association's authority to regulate qualifying public roadways expired because the statutory process required by **A.R.S. § 33-1818** was not completed before the Legislature's June 30, 2025 deadline.

Because this issue affects the Association's legal authority to enforce parking restrictions on City of Mesa public roadways, I believe it is important that each Director personally evaluate the enclosed materials rather than relying solely upon summaries or recommendations from others.

The Association conducted the required membership vote on **March 20, 2025**. However, the document entitled **Notice of Continuation of Regulation of the Roadways** was not recorded with the **Maricopa County Recorder** until **March 6, 2026**, approximately **249 days after the statutory deadline**.

Evidence Relevant to Legislative Intent

Because the meaning of the June 30, 2025 statutory deadline is central to this dispute, I requested clarification from **Representative Neal Carter**, the sole sponsor and author of House Bill 2298.

On **March 25, 2026**, Representative Carter responded:

> **"The process is supposed to be done by the specified date and if not the parking regulations expire."**

Although only a court can ultimately determine the meaning of A.R.S. § 33-1818, I believe this statement constitutes **very strong evidence relevant to legislative intent** because it comes directly from the legislator who authored and sponsored House Bill 2298.

If the Legislature intended that only the membership vote be completed by June 30, 2025, it could have required only the vote. Instead, it required both a membership vote and that the Board "shall record" a document confirming that the planned community continues to regulate the public roadways.

Notice to the Board

On or about March 25, 2026, I requested the email addresses of the members of the Board of Directors so that I could communicate directly with each Director regarding this legal issue.

Empire Community Management declined to provide those email addresses. Community Manager **Wanda Simeona** advised me that if I submitted my correspondence to her, she would forward it to the Board of Directors.

After submitting my earlier legal correspondence, I was later informed by a Board member that the Board had not received it. Ms. Simeona later advised me that she had forwarded the correspondence.

To eliminate any uncertainty, I am now sending this legal review package directly to each Director by **Certified Mail**.

This letter is intended to ensure that each Director has actual notice of the legal issues surrounding **A.R.S. § 33-1818** before authorizing any additional enforcement actions.

If, after receiving this notice, the Association continues to issue citations, assess fines, tow vehicles, or otherwise enforce parking restrictions on qualifying public roadways, I will have little alternative but to file an action in the Superior Court seeking a declaration of the parties' rights under A.R.S. § 33-1818, an injunction prohibiting further enforcement, recovery of my costs, attorney's fees where authorized by law, and any other relief the Court determines appropriate.

In any such action, the Court will determine, based upon the evidence and applicable law, whether the Association, its directors, its management company, or any other parties bear legal responsibility for those enforcement actions.

If litigation becomes necessary, I also intend to notify the Association's applicable insurance carriers, including any Directors and Officers (D&O) and Errors and Omissions (E&O) insurance carriers, of this dispute and of any claims arising from continued enforcement after receipt of this notice.

In addition, I reserve the right to pursue any other claims or remedies that may be supported by the facts and applicable Arizona law, including claims relating to the recorded Notice of Continuation of Regulation of the Roadways, if warranted.

Each Director should understand that any decision to continue enforcement after receiving this notice may become part of the factual record in subsequent litigation. I respectfully encourage every Director to independently review the enclosed statute, legislative history, Representative Neal Carter's statement, and supporting documentation before making any further decision regarding enforcement.

Demand

Accordingly, I respectfully request that the Board of Directors:

1. **Immediately suspend enforcement of parking restrictions on public roadways owned and maintained by the City of Mesa until this legal dispute has been resolved.**
2. **Dismiss any pending citations, fines, warning notices, or enforcement actions relating to those public roadways.**

3. **Confirm in writing, within fourteen (14) business days, whether the Association intends to continue enforcing parking restrictions on those public roadways in light of the enclosed materials.**

I would greatly prefer to resolve this matter without litigation. However, continued enforcement after each Director has received this notice will leave me with no practical alternative other than to seek judicial resolution of this dispute.

Thank you for your time and careful consideration of this matter. I respectfully request that each Director personally review the enclosed materials before making any further decisions regarding enforcement of parking restrictions on public roadways.

Respectfully submitted,

Mark R. LaVoy

Supporting Exhibits

Exhibit A – Timeline of Relevant Events

Exhibit B – A.R.S. § 33-1818

Exhibit C – HB2298 Legislative Fact Sheet

Exhibit D – Email from Representative Neal Carter

Exhibit E – Notice of Continuation of Regulation of the Roadways (Recorded March 6, 2026)