

E K M A R K & E K M A R K, L.L.C.
ATTORNEYS AT LAW

The Planned Community Act and Condominium Act allow boards to meet in executive session to discuss personal information. There is a significant question of what exactly constitutes personal information. Some people believe the board may go into executive session every time it discusses an individual person. Others are more conservative in their approach. However, neither the statute nor existing case law gives us any real test or direction.

One difficult issue that boards face is a request for architectural approval. On one hand, you could argue that this is usually not personal because the modification will usually be visible to the neighbors or public. On the other hand, the owner may believe that certain information, such as the architect or a design, is personal. For example, what if the plans include the location of security cameras? Also, there may be certain personal issues such as additions based on a disability.

Unfortunately, there is no easy answer for some of these questions. In general, we encourage transparency whenever possible. However, certain issues may require a case-by-case analysis.

The information contained in this Homeowners Association Tip of the Week© is for informational purposes only and is not specific legal advice or a substitute for specific legal counsel. Readers should not act upon this information without seeking professional counsel.

If you do not want us to contact you by e-mail, you may unsubscribe from our online community by replying to this e-mail with the word "Remove" in the subject line.

6720 North Scottsdale Road, Suite 261 * Scottsdale, Arizona 85253
Telephone 480/922-9292 * Fax 480/922-9422
e-mail curtis@ekmarklaw.com
www.ekmarklaw.com