

# the BEACON

## Growth that Benefits Everyone

**B**rown Management has seen phenomenal growth in the past year, continuing a trend of expansion that began with the company's inception. "As we grow, it creates opportunities for everyone," says President Bob Brown.

Brown Management had 39 communities in February 2005. As of August 2008, we are proud to represent 104 communities with 12 managers, bringing our total office staff to 31.

"Board Members typically get to know the manager they work with, but for every manager, there are at least two people working behind the scenes at the office to support them," says Bill Brown, Vice President of Finance.

"As we grow, it creates opportunities for everyone."

### WHAT DOES THIS MEAN FOR BROWN MANAGEMENT EMPLOYEES?

"As we grow, it creates opportunities for everyone," says Bob Brown. Staff members have seen more opportunities for upward mobility. Vanya Smith, for example, has been promoted to Vice President of Client Relations and Retention. Community Consultant Dave Stanley is handling new manager training. These examples of new leadership levels exist within the Brown Management organization due to growth. Another employee advantage? Better benefits. "As a very small company, it's hard to offer employees benefits; that's really improved in the past two years," says Bill Brown.

**continued on page 3**



## A Message From...

EKMARK & EKMARK, L.L.C.

# RECENT SIGNIFICANT CASES WON FOR COMMUNITY ASSOCIATIONS

by **Curtis S. Ekmark**

Recently, Ekmark & Ekmark won two landmark victories for community associations. The first case benefits associations and Arizona homeowners. In a unanimous decision, the Arizona Supreme Court ruled that a homeowner may sue the builder of his home for construction defects whether or not the builder was the entity that sold the home.

Explaining the heart of its ruling, the Court stated, “Innocent buyers of defectively constructed homes should not be denied redress simply because of the form of the business deal chosen by the builder and vendor.”

The historic decision was hard fought and the result of many years of litigation. The trial court ruled that the plaintiff, a condominium association, could not bring an implied warranty claim against the builder of its units because the builder was not the entity that sold the units. This left the association without any remedy against the builder of its defective units. We appealed the ruling to the Court of Appeals, which also refused to allow the association to sue the builders responsible for its defects. Determined to reverse these unfair rulings, we appealed again to the state’s highest court. Although the Arizona Supreme Court rarely accepts review of cases, it granted review to this case because of its statewide importance.

Here is the link to the case for your review:  
<http://www.supreme.state.az.us/opin/pdf2008/ACV070416PR.pdf>

In the second case, an Administrative Law Judge affirmed an association’s right to meet in executive session to discuss, as well as vote upon, issues related to, or intertwined with, the four protected subjects identified in Arizona Revised Statute § 33-1804(A). Those subjects are:

1. Legal advice from an attorney for the board or the association;
2. Pending or contemplated litigation;
3. Personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association; or
4. Matters relating to the job performance of, compensation of, health records of or specific complaints against an individual employee of the association or an individual employee of a contractor of the association who works under the direction of the association.

We encourage transparency whenever possible; however, closed meetings may be utilized to discuss and vote upon issues that are related to

one of these four subjects. It is not always clear by the title listed on an executive session agenda which of the four categories is applicable; thus, it is important to obtain legal advice from a qualified attorney to assist you in determining if your issue properly fits within one of the four protected subjects or if the issue should be discussed and voted upon in an open session.

If you have any questions regarding these cases, please do not hesitate to contact us.

The information contained in this article 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.

Curtis S. Ekmark is a partner in the law firm of Ekmark & Ekmark, L.L.C. and may be reached at 480-922-9292. Mr. Ekmark is a member of the College of Community Association Lawyers, Co-Chairman of the Legislative Action Committee and Past President of the Central Arizona Chapter of the Community Associations Institute, President of the Scottsdale Council of Homeowners Associations and Vice President of the West Valley Homeowner Associations.



## HOW WILL CLIENTS BENEFIT?

Clients of Brown Management will continue to benefit from the company’s growth. Bob Brown touts additional employee training and more manpower to handle client concerns as two of the advantages. As reported in our last edition of *The Beacon*, Brown Management is also able to invest in new technology that can save customers money and make processes more efficient.

In addition, clients will benefit from more internal expertise, according to Bill Brown; “We’ve hired experts from other related industries that impact and benefit our boards.”

“We want to do a quality job, improving the quality and accuracy of what we’re doing while sticking to basics”

## WHAT’S NEXT?

As growth continues within the company, the leadership has not lost sight of what’s ahead. “We want to do a quality job, improving the quality and accuracy of what we’re doing while sticking to basics. It is exciting to grow, but there are customers we’ve had for ten years;” Bill Brown commits that “they deserve our attention and loyalty too.”



Brown Community Management

“PROMISES KEPT, EXPECTATIONS EXCEEDED”

## *Save the Date...*

As part of Brown Community Management's Board Training series, we will be sponsoring a seminar with the Mulcahy Law Firm:

**Wednesday, October 8, 2008**  
**Registration at 5:00 p.m.**  
**Seminar from 5:30 to 7:00 P.M.**

**Gilbert Community Center**  
**130 N. Oak**  
**Gilbert, AZ 85233**  
**Maple Room**

### INSIDE THIS ISSUE

Growth that Benefits  
Everyone 1

A Message from  
Ekmark & Ekmark 2