In the Matter of No. 23F-H032-REL

Michael H. Jahr, Petitioner,

VS.

Leisure World Community Association, Respondent.

ORDER

Petitioner filed a request with this tribunal on May 17, 2023, wherein he asked that "[A]n appeal be allowed to be filed up to June 1, 2023 in this matter." (See attached.) In his request, Petitioner correctly noted that the Office of Administrative Hearings ("OAH") provided him with a copy of the decision on May 02, 2023. He also correctly noted that the events docket of the OAH correctly reflects his email address as michaeljahr@gmail.com. The decision itself was provided to the parties by electronic transmission on March 14, 2023. It appears from the events docket, however, that in providing the decision to the parties, there was a transposition of letters in Petitioner's email which resulted in it being emailed to mihcaeljahr@gmail.com. (Emphasis added).

In a HOA proceeding, a party has the ability after the hearing and decision to request a rehearing which must be filed within thirty (30) days after service of the decision.¹ That request must be made to the Arizona Department of Real Estate ("Department"), not OAH.² Because of this, the power to decide whether to accept a request for rehearing for filing can only be made by the Department. Accordingly, this tribunal can take no action on Petitioner's request to file an "appeal."

Therefore,

IT IS ORDERED under ARIZ. ADMIN. CODE R2-19-111(4) that this issue is remanded to the Department for further action, if any.

Done this day, May 18, 2023.

Office of Administrative Hearings

¹ See ARIZ. REV. STAT. §§ 32 2199.04 and 41-1092.09(A).

/s/ Jenna Clark Administrative Law Judge

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