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VS.

Daniel Belt,

Petitioner,

Respondent.

Beaver Valley Improvement Assoc.

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29 30 No. 21F-H2121058-REL-RHG

ORDER RESCINDING DIRECTOR'S **JANUARY 19, 2022 ORDER REQUIRING** RESPONSE TO MOTION FOR CHANGE **OF JUDGE**

On January 14, 2022, Petitioner filed what the Director perceived to be a motion for change of judge. On January 28th, 2022, Petitioner filed a subsequent pleading stating "if Director Hanchett declines to make the case, with rationale, that the actions of Petra Paul and ALJ Vanella did not constitute the felony crimes as cited by the Petitioner, and if Director Hanchett declines to dispense justice in this case . . . as outlined by Petitioner, those issues will be decided in federal court." The petitioner then goes on to state "However, Director Hanchett does not have the capacity, or the right by law, to pervert Petitioner's request to Director Hanchett for Impartial Justice and Equal Protection of the Laws, into a motion for a Change of Judge." (Capitalization in original).

In filing this most recent pleading, it is apparent that Petitioner is not seeking a change of judge but instead seeks to have the Director review the earlier proceeding in some appellate capacity and pass judgment on the propriety of that proceeding. There is no authority contained in either statute or rule that would permit the Director to undertake such action. An administrative agency has only those powers specifically prescribed by statute or rule. Facilitec v. Hibbs, 206 Ariz, 486, ¶ 10 (2003). The only authority that the Director has with respect to the rehearing in this matter is to determine whether or not a motion for change of judge should be granted. See generally, ARS 41-1092.01 and ARS 41-1092.07 (A). As Petitioner, by the express terms of his January 28th pleading, is not seeking a request for change of judge, there is nothing the Director can do in this matter with respect to his January 14, 2022 motion. Accordingly, the Director's earlier order requiring a response from Respondent and permitting a reply to any response from Petitioner is rescinded.

Done this day, January 31, 2022.

/s/ Greg Hanchett Director

Transmitted by either mail, e-mail, or facsimile January 31, 2022 to:

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