

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 Nancy L Pope,
4 Petitioner,

No. 22F-H2221013-REL

5 vs.

ORDER

6 La Vida Homeowners Association,
7 Respondent.

8 The Office of Administrative Hearings has received inquiries from Petitioner
9 Nancy L. Pope regarding the effect of the Administrative Law Judge Decision issued on
10 March 2, 2022. Considering Petitioner's inquiries as a Motion for Clarification, the
11 Administrative Law Judge makes the following order.

12 The petition in this matter was filed pursuant to A.R.S. § 32-2199 *et seq.* Those
13 statutes established the procedures by which disputes between an owner and a
14 condominium association or planned community association are to proceed.
15 Significantly, A.R.S. § 32-2199.02 provides that, following a hearing, "[t]he administrative
16 law judge may order any party to abide by the statute, condominium documents,
17 community documents or contract provision at issue and may levy a civil penalty on the
18 basis of each violation" and that "[i]f the petitioner prevails, the administrative law judge
19 shall order the respondent to pay to the petitioner the filing fee required by section 32-
20 2199.01."

21 Nothing in the statutes applicable to these disputes provides the Administrative
22 Law Judge with any additional authority to award damages, injunction relief, or
23 declaratory judgments. Accordingly, the Administrative Law Judge did not have the
24 authority to award the relief Petitioner was seeking in this proceeding.

25 Done this day, March 11, 2022.

26
27 /s/ Tammy L. Eigenheer
28 Administrative Law Judge

29 Transmitted by either mail, e-mail, or facsimile March 11, 2022 to:
30

1
2
3 Louis Dettorre, Commissioner
4 Arizona Department of Real Estate
5 100 N. 15th Avenue, Suite 201
6 Phoenix, Arizona 85007
7 Attn:
8 AHansen@azre.gov
9 tandert@azre.gov
10 vnunez@azre.gov

11 Nancy L Pope
12 popenancyl@gmail.com

13 Erik J. Stone
14 Jones, Skelton & Hochuli, P.L.C.
15 estone@jshfirm.com

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
By c. serrano