IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of

No. 22F-H2222035-REL

Stephen and Elizabeth Tosh

ADMINISTRATIVE LAW JUDGE DECISION

PETITIONERS,

VS.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

Cimmarron Superstition HOA

RESPONDENT.

HEARING: June 24, 2022

<u>APPEARANCES</u>: Petitioners Stephen and Elizabeth Tosh did not appear. Christopher Hanlon, Esq. appeared on behalf of Respondent Cimmarron Superstition HOA.

ADMINISTRATIVE LAW JUDGE: Velva Moses-Thompson

FINDINGS OF FACT

1. Petitioners failed to appear at the hearing set on Petitioners' behalf.

CONCLUSIONS OF LAW

- 1. The burden of proof in this matter is on Petitioners. See A.A.C. R2-19-119.
- 2. No one appeared on behalf of Petitioners at the hearing on June 24, 2022.

No one filed a request to appear telephonically on behalf of Petitioners. Although the hearing did not start until approximately 9:15 a.m., no one appeared on behalf of Petitioners through an attorney, or contact the OAH to request that the start of the hearing be further delayed. Consequently, Petitioners did not present any evidence to support their petition.

3. By failing to appear at the hearing, Petitioners failed to meet the required burden of proof. Therefore, the petition should be dismissed.

DECISION

IT IS ORDERED that the petition is dismissed.

NOTICE

Pursuant to A.R.S. §32-2199.02(B), this Order is binding on the parties unless a rehearing is granted pursuant to A.R.S. § 32-2199.04. Pursuant to A.R.S. § 41-1092.09, a request for rehearing in this matter must be filed with the Commissioner of the Department of Real Estate within 30 days of the service of this Order upon the parties.

Done this day, June 24, 2022.

/s/ Velva Moses-Thompson Administrative Law Judge

Transmitted by either mail, e-mail, or facsimile June 24, 2022 to:

Stephen and Elizabeth Tosh 911 E. Cochise Circle Apache Junction AZ 85119 zipperlizzard@yahoo.com

Childers Hanlon & Hudson, PLC Cimmarron Superstition HOA c/o Childers Hanlon & Hudson, PLC 722 East Osborn Road Suite 100 Phoenix AZ 85017 cmhanlon@chhazlaw.com

Louis Dettorre
Commissioner
Arizona Department of Real Estate
100 N. 15th Avenue, Suite 201
Phoenix, Arizona 85007
Attn:
AHansen@azre.gov
vnunez@azre.gov
djones@azre.gov
labril@azre.gov

By: Miranda Alvarez Legal Secretary