IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of John W. Grav Mesa Coronado III Condominium Association

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No. 23F-H063-REL

ORDER

Pending before the Office of Administrative Hearings (OAH) is Petitioner's Motion to Exclude Respondent's response to the petition and to enter a Default Decision against Respondent. Petitioner alleges that Respondent's response was filed untimely.

The OAH has no jurisdiction to issue a default decision for a failure to respond to the petition. Under Arizona Revised Statues § 32-2199(D), the Commissioner has jurisdiction to enter a default decision if Respondent fails to respond to the petition. Furthermore, the Commissioner has accepted Respondent's response and referred the matter to the OAH. Accordingly,

IT IS ORDERED denying Petitioner's Motion to Exclude Respondent's response and the Motion for a Default Decision.

Done this day, August 8, 2023.

/s/ Velva Moses-Thompson Administrative Law Judge

Transmitted by either mail, e-mail, or facsimile to:

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