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No. 24F-H037-REL

Petitioners

VS

Respondent

In response to the Motion, Petitioner Taylor Kidd submitted an Objection in which Petitioner Kidd pointed out that ARIZ. ADMIN. CODE R2-19-109(A) permits an Administrative Law Judge to consolidate two matters, but never requires such a consolidation. Specifically, Petitioner Kidd argued that ARIZ. ADMIN. CODE R2-19-109(A)(2) requires that the parties in both actions must be identical, which is not the case here, so consolidation is not appropriate and the Motion should be denied. No where in the Objection does Petitioner Kidd argue that the two matters involve substantially similar factual or legal issues. Rather, Petitioner

1 Kidd asserted that she had the right to a hearing without delay so that community members
2 were not further damaged.

3 In response to the Motion, Petitioner Glazer submitted an Objection based solely on
4 the fact that Petitioner Kidd did not want to have her matter continued and he would be
5 unable to attend a consolidated hearing if it were held on May 31, 2024, the date of Petitioner
6 Kidd's hearing. Petitioner Glazer did not assert that the matters did not involve substantially
7 similar factual or legal issues.

8 ARIZ. ADMIN. CODE R2-19-109(A) provides, in pertinent part, as follows:

9 A. Standards for consolidation. An administrative law judge may order
10 consolidation of pending matters, if:

- 11 1. There are substantially similar factual or legal issues, **or**
- 12 2. All parties are the same.

13 Emphasis added.

14 While the Administrative Law Judge acknowledges that the decision to consolidate
15 these matters is not required by the applicable rule, it is certainly permitted in this instance
16 as these matters involve substantially similar factual or legal issues, For purposes of
17 administrative economy and good cause appearing,

18 **IT IS ORDERED** granting the Motion. The above-entitled cases are consolidated
19 and the hearings are continued. All future filings related to these matters should use the
20 caption identified above and be submitted under docket number 24F-H037-REL. These
21 matters will be heard at **9:00 a.m. on July 19, 2024**, and will convene via Google Meet using
22 the following information to connect:

23 **Meeting ID**

24 meet.google.com/nom-frme-boi

25 **Phone Number**

26 [262-885-2282](tel:262-885-2282)

27 PIN: 520 256 654#

28 Click on the Google Meet video conference link if you wish to join by video
29 conference. To join by telephone, please dial the ten digit telephone number. You will
30 then be immediately prompted to enter the PIN followed by the # sign.

A party may also appear in person for this matter at the Office of Administrative
Hearings in Phoenix. If a party wishes to appear in person, please advise the Office of

1 Administrative Hearings at least 7 days prior to hearing that you will be appearing in
2 person.

3 Done this day, May 28, 2024.

4 /s/ Tammy L. Eigenheer
5 Administrative Law Judge

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

7 Susan Nicolson, Commissioner
8 Arizona Department of Real Estate
9 100 N. 15th Avenue, Suite 201
10 Phoenix, Arizona 85007

11 Attn:

12 SNicolson@azre.gov
13 vnunez@azre.gov
14 djones@azre.gov
15 labril@azre.gov
16 mneat@azre.gov
17 lrecchia@azre.gov
18 gosborn@azre.gov

19 Jerome L. Glazer
20 jg.glazer@gmail.com

21 Charles H. Oldham
22 Josh Bolen
23 CHDB Law LLP
24 Josh.Bolen@chdblaw.com
25 Chuck.Oldham@chdblaw.com
26 minute.entries@chdblaw.com

27 Brandon P. Bodea
28 Patrick T. Nackley
29 MEDALIST LEGAL PLC
30 bbodea@medalistlegal.com
pnackley@medalistlegal.com
docket@medalistlegal.com

By: OAH Staff