## IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

Taylor Kidd and Jerome L. Glazer,

Petitioners

vs

Heritage Village III Homeowners Association,

Respondent

No. 24F-H037-REL No. 24F-H039-REL

ORDER CONSOLIDATING MATTERS AND GRANTING CONTINUANCE

Pending before the Office of Administrative Hearings is Petitioner Jerome L. Glazer's Motion to Continue due to his domestic partner undergoing a major back fusion on May 30, 2024. Respondent did not object to the continuance. The Administrative Law Judge notified the parties that the hearing would be continued and a new date would be communicated to the parties upon its scheduling.

After that notification was provided to Petitioner Glazer and Respondent, Respondent filed a Motion to Consolidate (Motion) the above-referenced matters. In the Motion, Respondent asserted that the two matters involve objections by different homeowners within the community to the same action taken by Respondent, and therefore, for purposes of administrative efficiency, the matters should be consolidated into a single hearing. Respondent also argued that consolidation avoided potentially inconsistent rulings as a result of two separate hearings. Respondent maintained that ARIZ. ADMIN. CODE R2-19-109(A) required consolidation of these matters.

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

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

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

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

- A. Standards for consolidation. An administrative law judge may order consolidation of pending matters, if:
- 1. There are substantially similar factual or legal issues, or
- 2. All parties are the same.

## Emphasis added.

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

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

## **Meeting ID**

meet.google.com/nom-frme-boi Phone Number 262-885-2282

PIN: 520 256 654#

Click on the Google Meet video conference link if you wish to join by video conference. To join by telephone, please dial the ten digit telephone number. You will 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

Administrative Hearings at least 7 days prior to hearing that you will be appearing in 1 person. 2 Done this day, May 28, 2024. 3 4 5 Transmitted by either mail, e-mail, or facsimile to: 6 Susan Nicolson, Commissioner 7 Arizona Department of Real Estate 100 N. 15th Avenue, Suite 201 Phoenix, Arizona 85007 Attn: 10 SNicolson@azre.gov vnunez@azre.gov 11 djones@azre.gov 12 labril@azre.gov mneat@azre.gov 13 Irecchia@azre.gov 14 gosborn@azre.gov 15 Jerome L. Glazer 16 jg.glazer@gmail.com 17 Charles H. Oldham 18 Josh Bolen **CHDB Law LLP** 19 Josh.Bolen@chdblaw.com Chuck.Oldham@chdblaw.com 20 minute.entries@chdblaw.com 21 Brandon P. Bodea 22 Patrick T. Nackley 23 MEDALIST LEGAL PLC bbodea@medalistlegal.com 24 pnackley@medalistlegal.com 25 docket@medalistlegal.com 26 By: OAH Staff

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/s/ Tammy L. Eigenheer

Administrative Law Judge