8

5

11

16

19

27

24

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

Kenneth M. Halal,

Petitioner.

٧.

Eagle Crest Ranch Homeowners Association,

Respondent.

No. 24F-H045-REL

PREHEARING ORDER

AND

ORDER DENYING MOTION TO CONTINUE

AND

ORDER DENYING MOTION TO DISMISS

A prehearing conference was held on May 30, 2024, at 11:00 a.m. Kenneth Halal ("Petitioner") appeared on his own behalf. Alexandra Kurtyka, Esq., represented Eagle Crest Ranch Homeowners Association ("Respondent").

To summarize what was discussed at the pre-hearing conference:

IT IS ORDERED DENYING Respondent's May 28, 2024 Motion to Dismiss. Petitioner filed a single issue Petition with the Arizona Department of Real Estate ("Department") and paid the appropriate filing fee. The Notice of Hearing issued by the Department indicates the following as the sole issue to be addressed at hearing:

Petitioner alleges that Respondent "did not provide due process when removing the Petitioner Kenneth M. Halal, an Association member in good standing from the HOA website's forum (aka Townsquare Forum)," in violation of A.R.S. § 33-1803, A.R.S. § 33-1804, HOA's Bylaws Article 2.3 and 5.2.

Petitioner has alleged that by not providing due process when he was removed from the website, Respondent violated two statutory provisions and two provisions of Respondent's Bylaws. The alleged violations are attributable to the one act alleged to have been committed by Respondent, and therefore, the single issue to be addressed at hearing is Respondent's alleged violation of Petitioner's due process as it relates to his removal from the website.

IT IS FURTHER ORDERED DENYING Petitioner's Motion to Continue, no good cause appearing. The hearing will convene on **June 10, 2024**, at **1:00 p.m.**, as previously noticed to the parties. As agreed upon during the Prehearing Conference, the hearing will be conducted either by video conferencing or telephone participation through Google Meet as follows:

Meeting ID meet.google.com/pdv-fkvk-tuh

Phone Numbers (US)+1 256-474-3178 PIN: 567 114 783#

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.

IT IS FURTHER ORDERED that on or before June 3, 2024, at 5:00 p.m., the parties shall file with the Office of Administrative Hearings the exhibits that they plan to submit, along with a List of Exhibits that provides a designation and brief description of each exhibit, as well as a List of Witnesses whose testimony they plan to present, along with a brief description of the witnesses' anticipated testimony. Petitioner shall designate his exhibits numerically and Respondent shall designate its exhibits alphabetically. As advised at the Prehearing Conference, duplicative testimony and documentary evidence will not be permitted.

Done this day, May 30, 2024.

/s/ Sondra J. Vanella Administrative Law Judge

After the conclusion of the hearing, you may, but are not required to, fill out an evaluation to assist the Office of Administrative Hearings (OAH) in fulfilling its statutory duty to obtain statistical feedback from litigants about their experience in the OAH process. Your feedback cannot be seen by the judge. If you wish to fill out an evaluation about your experience at the OAH, please click here to obtain a fillable PDF form:

1	https://www.azoah.com/Evaluation%20(1).pdf and then email the completed survey to oah@azoah.com
2	<u> </u>
3	Transmitted by e-mail to:
4 5 6 7 8 9	Susan Nicolson, Commissioner Arizona Department of Real Estate SNicolson@azre.gov vnunez@azre.gov djones@azre.gov labril@azre.gov mneat@azre.gov lrecchia@azre.gov gosborn@azre.gov
10 11 12	Kenneth M. Halal kenneth.halal@protonmail.com
13	Alexandra M. Kurtyka Mark K. Sahl CHDB Law LLP minuteentries@chdblaw.com alexandra.kurtyka@chdblaw.com Mark.Sahl@chdblaw.com Associa Arizona swatson@associaarizona.com
20 21 22 23 24 25	By: OAH Staff
26	