

1                                   **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2  
3 Sharon M. Maiden,  
4       Petitioner,

5 v.

6 Val Vista Lakes Community Association,  
7       Respondent.

No. 25F-H030-REL

**ORDER DENYING MOTION**

8           On January 27, 2025, this matter was referred by the Arizona Department of  
9 Real Estate (Department) to the Arizona Office of Administrative Hearings (Tribunal) for  
10 the conduct of an administrative hearing regarding the Petition dated December 15,  
11 2024 filed by Petitioner with the Department.

12           On February 4, 2025, Respondent filed a Motion to Strike the Petition (Motion  
13 asking the Commissioner to strike the Petition and [now] decline to refer the matter for  
14 administrative hearing. Respondent argues that, pursuant to A.R.S. § 32-2199.01(D),  
15 the Petition should have been considered to not be justified and, therefore, the  
16 Commissioner was not justified to refer Petition for administrative hearing.

17           On February 4, 2025, Petitioner responded in opposition to the Motion, arguing  
18 that the Motion lacks merit because Respondent has misapplied attorney-client privilege  
19 standards, disregards the Tribunal's rules, and is an effort to deny Petitioner "her  
20 fundamental right to present relevant evidence at the administrative hearing."

21           On February 4, 2025, Respondent replied, arguing that Petitioner, who is a  
22 former Board Member, does not have the right to disclose legal opinions prepared for  
23 the HOA or to break the attorney-client privilege that protects those communications.  
24 Respondent notes that the communications were disclosed during Board meetings but  
25 that the HOA has not given permission to Petitioner to disclose these, *i.e.*, to attach the  
26 communications to her Petition.<sup>1</sup>

27           On February 4, 2025, Petitioner filed her sur-reply, asking that the Commissioner  
28 reject the Motion and refer the Petition to the Tribunal for the parties to "follow the  
29 proper procedural rules and protect everyone's rights."

30 <sup>1</sup> Respondent raises a further issue that Petitioner was possibly raising a second issue in her Response,  
which would not be permissible as she filed a single-issue petition.

1 Based on the foregoing,

2 IT IS ORDERED the Respondent's Motion is denied. The Tribunal is authorized  
3 to hear the contested matters that are referred to the Tribunal and conducts the  
4 administrative hearings to determine whether evidence and arguments support the  
5 allegations. The arguments presented in the parties' recent filings may be raised and  
6 heard at the time the administrative hearing is convened as a part of the hearing record  
7 to be considered for a final determination in the matter, or with agreement of an  
8 Administrative Law Judge as a pre-hearing possible dispositive matter.

9 ORDERED this day, February 11, 2025.

10  
11 /s/ Kay A. Abramsohn  
Administrative Law Judge

12 Transmitted electronically to:

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14 Commissioner  
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