

ENFORCEMENT & COMPLIANCE
DIVISION - GO
AZ DEPT OF REAL ESTATE
100 N 15TH AVE, STE 201
PHOENIX AZ 85007-2629

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EMILY MANN, PHILLIPS MACEYKO,
AND BATTOCK PLLC
11445 E VIALINDA, STE 2-268
SCOTTSDALE AZ 85259

1 **BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**

2 In the Matter of:

File No.: 25F-H056

3 **R. L. Whitmer,**

Docket No.: 25F-H056-REL

4 Petitioner

NOTICE OF HEARING

5 vs.

(Assigned to ALJ Jenna Clark)

6 **Hilton Casitas HOA,**

7 Respondent

8 YOU ARE HEREBY NOTIFIED that under Arizona Revised Statutes ("A.R.S.") § 41-
9 1092.01, a hearing on the above-captioned matter will be conducted through the Office of
10 Administrative Hearings, an independent agency.

11 **Date of Hearing:**

August 1, 2025 at 1:00 p.m.

12 **Location:**

13 **Office of Administrative Hearings**

14 **1740 W. Adams St.**

15 **Lower Level**

Phoenix, Arizona 85007

16 Any person affected by this action must appear in person and can be represented by
17 counsel. Parties or witnesses wishing to appear by video conference or telephone may, not later
18 than 7 calendar days prior to the hearing date, request that the assigned Administrative Law
19 Judge permit them to appear by video conference or by telephone. This must be done by
20 contacting the Office of Administrative Hearings directly. Parties must be present during the
21 giving of all evidence to have a reasonable opportunity to inspect all documentary evidence and
22 examine witnesses. Parties must also be present to evidence and argument on all relevant issues.
23 Parties must be present to have subpoenas issued by the Administrative Law Judge to compel
24 attendance of witnesses and production of evidence.

25 Information regarding procedures, practice pointers, or the online filing of motions is
available through the Office of Administrative Hearings' website at www.azoah.com, or by
calling their offices at (602) 542-9826.

1 The Office of Administrative Hearings has designated Jenna Clark, at the address listed
2 above, as the Administrative Law Judge for these proceedings.

3 If the Respondent does not appear, the hearing will proceed in the Respondent's absence.
4 If the Petitioner does not appear, the Petition may be dismissed.

5 You are requested to be present at the hearing and produce all association rules and
6 regulations and any amendments thereto, correspondence, associate policy statements and other
7 relevant evidence, including photographs. **You are requested to bring three (3) copies of any
8 documentary or photographic evidence.** You may present evidence through your own
9 testimony and through the testimony of witnesses on your behalf. It is your responsibility to
10 secure the attendance of your witnesses.

11 Additional information regarding rules for OAH, hearing procedures, preparing for your
12 hearing, and frequently asked questions, may be found on OAH's website at www.azoah.com.

13 **If you have filed any motions prior to the receipt of this Notice of Hearing, you must
14 re-file the motions with the Office of Administrative Hearings (OAH) electronically or at
15 the address listed above. With this notice, all oral and written communication should be
16 directed to the OAH and a copy must be provided to the opposing party.**

17 **As the hearing is now scheduled before an Administrative Law Judge, there is no
18 need by either party to copy the Arizona Department of Real Estate with motions,
19 responses or further correspondence on the matter.**

20 Under the Americans with Disabilities Act (ADA), the Office of Administrative Hearings
21 endeavors to ensure the accessibility of its hearings to all persons with disabilities. Persons with
22 disabilities may request reasonable accommodations such as interpreters, alternative formats, or
23 assistance with physical accessibility. Requests for accommodations should be made as early as
24 possible to allow time to arrange the accommodations. If you require accommodations, please
25 contact the Office of Administrative Hearings at (602) 542-9826.

DISPUTE

26 Petitioner alleges Respondent of violating "A.R.S. § 33-1248" and "Article 23 § 23.9 of
27 the Declaration of Horizontal Property Regime for Hilton Casitas" by holding "a special
28 "special meeting" presided over by the HOA president Bob Westbrook." Petitioner further

1 alleged "When asked for the agenda...Mr. Westbrook stated there was no agenda. When
2 asked for the opportunity to speak during the noticed session, Mr. Westbrook stated there
3 would not be such an opportunity...Mr. Westbrook promptly caused the meeting to be
4 adjourned, and then unlawfully proceeded to hold an unnoticed meeting with a quorum of the
5 board present."

6 QUESTIONS

7 Any and all questions regarding the referenced case matter should be directed to OAH.
8 For any and all general inquiries, please email oah@azoah.com. Their hours of operation are
9 8:00am - 5:00pm pm Monday through Friday.

10 DATED this 24th day of June, 2025.

11 
12 _____
13 LIZ RECCHIA
14 Division Manager
15 Arizona Department of Real Estate
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1 E-FILE of the foregoing this
2 25 day of June, 2025, to:

3 ALJ Jenna Clark
4 Office of Administrative Hearings

5 COPY mailed by First Class and
6 Certified Mail on the 25 day of
7 June, 2025, Return Receipts Requested

8 R. L. Whitmer
9 6333 N Scottsdale Rd Casita 21
10 Scottsdale AZ 85250
11 Email:rw@fulcrumgroup.biz
12 *Petitioner*
13 **Certified Number:** 9414 8098 9864 3571 2694 83

14 Emily Mann, Phillips Maceyko, and Battock PLLC
15 11445 E Vialinda, Ste 2-268
16 Scottsdale, AZ 85259
17 Email:emily@pmblaw.org
18 *Attorney for Respondent*
19 **Certified Number:** 9414 8098 9864 3571 2697 28

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25
Jabe Osborn
10290603

Deposit Details

Transaction No

1335790

License No

Name

R. L. Whitmer

Transaction Date

4/30/2025 3:49:22 PM

Clerk

Online

Amount Paid

\$500.00

Change

\$0.00

Voided

No

Notes

Fees

Quantity	Item	Price	Total
1	HOA Petition Fee	\$500.00	\$500.00
			Total: \$500.00

Payments

Type	Sub Type	Reference	Amount
Credit	Visa	76228	\$500.00
			Total: \$500.00

Ok (/Lms/Licensing/Deposit/NavigateBackTo?backUrl=~%2FMessageCenter%2FWorkItem%2FViewWorkItem%2F29433)

ENTITY INFORMATION

Search Date and Time: 4/18/2025 5:24:56 PM

Entity Details

Entity Name:	HILTON CASITAS COUNCIL OF HOMEOWNERS	Entity ID:	07240997
Entity Type:	Domestic Nonprofit Corporation	Entity Status:	Active
Formation Date:	8/11/1994	Reason for Status:	In Good Standing
Approval Date:	6/28/2018	Status Date:	5/22/2023
Original Incorporation Date:	8/11/1994	Life Period:	Perpetual
Business Type:	Other - Other - HOMEOWNERS ASSOCIATION	Last Annual Report Filed:	2024
Domicile State:	Arizona	Annual Report Due Date:	5/11/2025
Original Publish Date:	8/30/1994	Years Due:	

Statutory Agent Information

Name:	KAREN KASS	Appointed Status:	Active 1/19/2021
Attention:			
Address:	15300 N 90TH STREET STE 800, SCOTTSDALE, AZ 85260, USA		

Print Agent List Updated: <http://azcc.gov/permissions/corporation-contacts> | Contact Us (<http://azcc.gov/permissions/corporation-contacts>)

Mailing Address:

Attention:
County: Maricopa

Principal Information

Title	Name	Attention	Address	Date of Taking Office	Last Updated
President	ROBERT WESTBROOK	KAREN KASS	15300 N 90TH STREET, STE 800, SCOTTSDALE, AZ, 85260, Maricopa County, USA		5/1/2024
Director	JOHN BROOKE	KAREN KASS	15300 N 90TH STREET, STE 800, SCOTTSDALE, AZ, 85260, Maricopa County, USA		5/1/2024
Secretary	CURT RICHARD ROBERTS	KAREN KASS	15300 N 90TH STREET, STE 800, SCOTTSDALE, AZ, 85260, Maricopa County, USA		5/1/2024
Director	JAY PANZER	KAREN KASS	15300 N 90TH STREET, STE 800, SCOTTSDALE, AZ, 85260, Maricopa County, USA		5/1/2024
Treasurer	JAMES COX	KAREN KASS	15300 N 90TH STREET, STE 800, SCOTTSDALE, AZ, 85260, Maricopa County, USA		5/1/2024

Attention: KAREN KASS **Address:** 15300 N 90TH STREET, STE 800, **County:** Maricopa **Last Updated:** 5/1/2024

Entity Principal Office Address

Attention: **Address:** **County:** **Last Updated:**

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Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

KATIE HOBBS
GOVERNOR

SUSAN NICOLSON
COMMISSIONER

HOMEOWNERS ASSOCIATION (HOA) DISPUTE PROCESS PETITION

PETITIONER: (YOUR NAME AND ADDRESS) The person or association completing this form is the Petitioner.

Homeowner (Last, First & M.I.) or Association Name: R. L. Whitmer			
Address: 6333 N. Scottsdale Rd., Casita 21		City: Scottsdale	State: Zip Code: AZ 85250
Phone Number: 602-531-2615		Email address: rlw@fulcrumgroup.biz	

If an attorney represents you, complete the following section.

Does an attorney represent you in this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Has a lawsuit been filed regarding this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

INVOLVED PARTIES: (An owner's petition (complaint) must be about a dispute between the owner and the association. An association's petition (complaint) must be about a dispute between the association and the owner.)

PETITIONER IS A (you are a): <input checked="" type="checkbox"/> Homeowner <input type="checkbox"/> Condominium/Community Association <input type="checkbox"/> Planned Community Association	RESPONDENT IS A (check one): <input type="checkbox"/> Homeowner <input checked="" type="checkbox"/> Condominium/Community Association <input type="checkbox"/> Planned Community Association
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

RESPONDENT INFORMATION: (Who are you filing against?) The Respondent is the association or homeowner, if you are an association, against whom you are filing the petition. See Page 2 of the instructions, the Respondent cannot be a management company but the petition against an HOA can be addressed in-care-of a management company.)

Homeowner (Last, First & M.I.) or Association Name: Hilton Casitas HOA c/o Robert Westbrook, president			
Address: 6333 N. Scottsdale Rd., Casita 12		City: Scottsdale	State: Zip Code: AZ 85250
Best Phone Contact: 602-525-2400		Email address: rjwestbrook@gmail.com	

ADDRESS OF SUBJECT PROPERTY (If different than the Petitioner's mailing address)

Address:	City:	State:	Zip Code:
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Arizona Department of Real Estate (ADRE)

COMPLAINT (DO NOT LEAVE THIS SECTION BLANK)

This complaint is a violation of: (Check box and provide the reference of the alleged violation/s. **THIS MUST BE COMPLETED.**)

- Condominium Statutes (example. A.R.S. § 33-1243): A.R.S § 33-1248
- Planned Community Statutes (example. A.R.S. § 33-1809(A)(1)): _____
- Bylaws (Example: Article 4.1(a)): _____
- CC&Rs (Example: Article 4, Sec. 4.1): Art. 23 § 23.9 of the Declaration of Horizontal Property Regime for Hilton Casitas

NUMBER OF ISSUES CLAIMED IN THIS PETITION

- 1 \$500
- 2 \$1,000
- 3 \$1,500
- 4 \$2,000

RELIEF REQUESTED (What are you asking for?)

Other than ordering Respondent to pay to the Petitioner the filing fee required by A.R.S § 32-2199.01, if the Petitioner prevails, Petitioner requests that the following relief be awarded regarding the act, omission, or condition described in this Petition.

- Order a party to abide by the Arizona statute specified in the complaint section.
- Order a party to abide by the section(s) of the condominium/planned community document(s) specified.
- Impose a civil penalty based on the violation specified. (Penalties, if granted, are awarded to the state, not the Petitioner.)

WITNESSES (Please list any witnesses below. If there are more witnesses, please list in the narrative statement below.)

Name: Robert Westbrook			
Address: 6333 N. Scottsdale Rd., Casita 12	City: Scottsdale	State: AZ	Zip Code: 85250
Phone: 602-525-2400	Email address: rjwestbrook@gmail.com		

ALLEGED VIOLATION DESCRIPTION - NARRATIVE STATEMENT

*Use the space below to provide a one-sentence statement of the violation/s for each issue claimed. Include with the statement a description, the specific factual basis of, the nature of, and the date and time of the alleged violation/s. (If you require more room write "See Attached" below and attach the document with your submission of this Petition.)

On April 7, 2025, the board HOA held a "special meeting" presided over by the HOA president Bob Westbrook. When asked for an agenda, as required by A.R.S. § 33-1248(E)(1), Mr. Westbrook stated there was no agenda. When asked for the opportunity to speak during the noticed session, Mr. Westbrook stated there would not be such an opportunity as required by A.R.S. § 33-1248(A). Mr. Westbrook promptly caused the meeting to be adjourned, and then unlawfully proceeded to hold an unnoticed meeting with a quorum of the board present violating A.R.S. § 33-1248(E)(4).

Arizona Department of Real Estate (ADRE)

PETITION CERTIFICATION (MUST BE SIGNED AND DATED)

Under penalty of perjury, I swear that this complaint, consisting of 3 pages, is true and accurate to the best of my knowledge.

/s/ R. L. Whitmer

PETITIONER SIGNATURE

April 9, 2025

DATE

R. L. Whitmer

PETITIONER NAME (PRINT)

REMINDER: check each box and ensure:

- I have completed all sections of the petition.
- I have included ONE COPY of the condominium or planned community documents that are at issue in this matter;
- The CORRECT filing fee will be paid on-line through a secure link sent by ADRE once the completed petition is received;
- I have signed and dated the Petition;
- I have read the information provided on the ADRE's **Homeowners Association Dispute Process** webpage and understand this form.

Submit the Petition and supporting documents through the ADRE Message Center at www.azre.gov Petitions.

Americans with Disabilities Act

The Department of Real Estate complies with American Disabilities Act. Persons with disabilities may request reasonable accommodations such as interpreters, alternative formats or assistance with physical disability. Requests for accommodations must be made with 72 hours prior notice. If you require special accommodations, please contact the Department at (602) 771-7766. Questions regarding this communication can be sent to Chandni Bhakta, ADRE Ombudsman, at 602-771-7766 or online through the ADRE Message Center.



ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)
 Homeowners Association Dispute Resolution
www.azre.gov
 100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

KATIE HOBBS
 GOVERNOR
 SUSAN NICOLSON
 COMMISSIONER

ATTENTION RESPONDENT

Pursuant to Arizona Revised Statute § 32-2199.01 (C) you are required to file a response to the Petition with the Department of Real Estate within twenty (20) days of the notification. Failure to file a response will be deemed an admission of the allegations made in the Petition, and the Commissioner shall issue a default decision.

Response Re: Case # 25F-H056

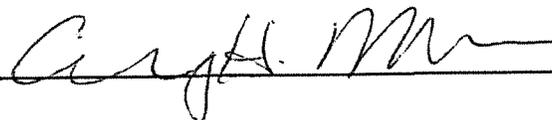
- All of the complaint items in the Petition are denied.
- The following complaint items are denied (if not specifically denied, allegations will be deemed admitted)

- All of the complaint items have been resolved
- Respondent intends to call witnesses at the hearing
 - Number of witnesses: 2
- A copy of this response was sent to Petitioner

If this matter is referred, Respondent will be represented by: (provide name and contact information)

Emily MANN, Phillips Maceyko & Battock, PLLC,
11445 E. VIA LINDA, Suite 2-268, Scottsdale, AZ 85254,
Emily@pmbLaw.org

Respondent's Name (PRINT) HILTON CASITAS COUNCIL Date 6-6-25
of HOMEOWNERS

Respondent's Signature  Date 6-6-25



ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)

Homeowners Association Dispute Resolution

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100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

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GOVERNOR

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Amended **Response Re: Case # 25F-H056**

- All of the complaint items in the Petition are denied.
- The following complaint items are denied (if not specifically denied, allegations will be deemed admitted)

- All of the complaint items have been resolved
- Respondent intends to call witnesses at the hearing
 - Number of witnesses: 2
- A copy of this response was sent to Petitioner

If this matter is referred, Respondent will be represented by: (provide name and contact information)

Emily Mann, Phillips Maceyko & Battack, PLLC,
11445 E. VIA LINDA, Suite 2-268, Scottsdale, AZ 85254,
Emily@pmbLaw.org

Respondent's Name (PRINT) Hilton Casitas Council Date 6-6-25
of Homeowners

Respondent's Signature *Emily Mann* Date 6-6-25