IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of R.L. Whitmer, PETITIONER, v. Hilton Casitas Council of Homeowners, RESPONDENT.	No. 25F-H056-REL **ORDER**

1. On or about April 09, 2025, Petitioner submitted a Homeowners Association (HOA) Dispute Process Petition to the Arizona Department of Real Estate ("Department"). In the petition, Petitioner marked and identified a single-issue: an alleged violation of Arizona Revised Statute ("ARIZ. REV. STAT.") § 33-1248 and Art. 23, sec. 23.9 of the Association's Declaration stemming from an incident that occurred on April 07, 2025. In his narrative description of his underlying complaint, however, Petitioner specifically identified three (3) issued for hearing: (1) an alleged failure to provide a meeting agenda in violation of ARIZ. REV. STAT. § 33-1248(E)(1); (2) an alleged refusal to permit Petitioner to speak during a noticed meeting in violation of ARIZ. REV. STAT. § 33-1248(A), and (3) Respondent's holding of an allegedly unnoticed meeting in violation of ARIZ. REV. STAT. § 33-1248(E)(4). Petitioner requested an order directing Respondent to abide by ARIZ. REV. STAT. § 33-1248, as well as the imposition of a civil penalty against Respondent. Petitioner further indicated that a $500.00 single-issue filing fee was paid to the Department on April 30, 2025.

2. On June 24, 2025, the Department issued a NOTICE OF HEARING setting the above-captioned matter for hearing before the Office of Administrative Hearings ("OAH"), an independent state agency, on August 01, 2025, to address Respondent's alleged violation(s) of ARIZ. REV. STAT. § 33-1248 and Art. 23, sec. 23.9 of the Association's Declaration.

3. On August 04, 2025, OAH issued a CORRECTED ORDER GRANTING STAY that continued these proceedings, per Petitioner's request, and scheduled a Status Update due by September 17, 2025.

4. On August 11, 2025, Petitioner submitted an Amended HOA Dispute Process Petition which, on its face, appeared to be identical to his originally plead petition. No information was provided to establish that Petitioner tendered a $1,000.00 filing fee for the two (2) additional issues contained in the petition.

5. On September 19, 2025, OAH issued an ORDER GRANTING CONTINUANCE, per Respondent's request, that placed the matter back on OAH's docket for hearing on November 03, 2025.

6. On September 21, 2025, Petitioner field a MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR ORDER TO COMPLY WITH A.R.S. § 33-1248 AND REQUEST FOR POSTPONEMENT OF THE NOVEMBER 03, 2025 HEARING, as well as a SEPARATE STATEMENT OF FACTS IN SUPPORT OF PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR ORDER TO COMPLY.

7. On September 23, 2025, Respondent submitted a REQUEST FOR NEW HEARING DATE AND ORDER SETTING FORTH FILING DEADLINE FOR RESPONSE TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT.

8. On September 23, 2025, Petitioner submitted a reply to Respondent's ORDER SETTING FILING DEADLINE.

9. On September 24, 2025, OAH issued a MINUTE ENTRY that tabled Petitioner's motion pending the receipt of Respondent's reply to his motion, and also tabled both parties' request for continuance pending review of Respondent's reply, if any.

10. On October 06, 2025, Respondent submitted a RESPONSE AND OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT and a CROSS-MOTION FOR SUMMARY JUDGMENT.

Based on a review of the foregoing,

IT IS ORDERED that Petitioner's MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR ORDER TO COMPLY WITH A.R.S. § 33-1248 is **denied**.

IT IS FURTHER ORDERED that Respondent's CROSS-MOTION FOR SUMMARY JUDGMENT is **granted in part, and denied in part**. Petitioner's Amended HOA Dispute Process Petition is dismissed, with prejudice. Petitioner's HOA Dispute Process Petition may move forward to address whether Respondent violated ARIZ. REV. STAT. § 33-1248

and/or Art. 23, sec. 23.9 of the Association's Declaration based on alleged conduct occurring on or about April 07, 2025.

IT IS FURTHER ORDERED that both parties' request for continuance of proceedings is denied, as *good cause* has not been established by either party. The matter remains scheduled for hearing at 1:00 p.m. on November 03, 2025.[1]

NOTICE

No further continuance shall be granted in this matter absent a prima facie showing of exigency.

Done this day, October 08, 2025.

Office of **A**dministrative **H**earings

/s/ Jenna Clark
Administrative Law Judge

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

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[1] The parties shall appear remotely via use of the following Google Meet information:
Meeting ID: meet.google.com/mjk-cwdc-qqm
-OR-
Phone Number: (616) 294-0906
PIN: 420 490 508#

Subpoena requests, if any, must be received by October 17, 2025. Disclosure is due by October 27, 2025.

Hilton Casitas Council of Homeowners, Respondent
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By: OAH Staff