IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of: Jeremy R. Whittaker, Petitioner, v. The Val Vista Lakes Community Association, Respondent.	No. 26F-H141-REL **ORDER**

On May 15, 2026, Petitioner field a single-issue HOMEOWNERS ASSOCIATION PETITION ("PETITION") with the Arizona Department of Real Estate ("Department") that alleged a violation of Arizona Revised Statutes ("ARIZ. REV. STAT.") § 33-1804, and requested an ORDER in his favor and the imposition of a civil penalty. On June 06, 2026, Petitioner tendered a $500.00 filing fee to the Department for the PETITION.

On June 19, 2026, the Department issued a HOA NOTICE OF PETITION that advised, in pertinent part, that Respondent had twenty (20) days from the issuance of the notice to respond and show cause why the petition should be dismissed. Correspondence was not returned as undeliverable to Respondent. On July 17, 2026, the Department issued a second HOA NOTICE OF PETITION to Respondent with a response deadline of August 09, 2026. Correspondence was not returned as undeliverable to Respondent. Respondent never replied to either HOA NOTICE OF PETITION.

On August 26, 2026, 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 September 30, 2026, to address Respondent's alleged violation(s) of ARIZ. REV. STAT. § 33-1804.

On September 08, 2026, Petitioner submitted a MOTION TO VACATE wherein he requested the matter be remanded to the Department for further action under ARIZ. REV. STAT. § 32-2199.01(E).

On September 09, 2026, the undersigned issued an ORDER VACATING HEARING that removed the above-captioned matter from the Tribunal's calendar and remanded the

matter back to the Department for further action in accordance with ARIZ. REV. STAT. § 32-2199.01(E).

On September 15, 2026, the Department issued an ORDER OF DEFAULT against Respondent that held because Respondent failed to submit a timely ANSWER to the HOA NOTICE OF PETITION that all allegations made therein were deemed admitted by Respondent. As such, Petitioner was deemed the prevailing party in the action.

On September 25, 2026, Petitioner submitted a MOTION FOR CIVIL PENALTIES pursuant to ARIZ. REV. STAT. §§ 32-2199.01(E) and 32-21990.02(A) wherein he requested civil penalties be imposed against Respondent, an ORDER for Respondent to comply with ARIZ. REV. STAT. § 33-1804, and an ORDER for Respondent reimburse Petitioner's $500.00 filing fee.

In consideration of the foregoing,

IT IS ORDERED that Respondent shall henceforth abide by the provisions of ARIZ. REV. STAT. § 33-1804.

IT IS FURTHER ORDERED that Respondent shall reimburse Petitioner's $500.00 filing fee in certified funds.

IT IS FURTHER ORDERED that a $380.00 civil penalty be assessed against Respondent that shall be payable to the State of Arizona.

Done this day, September 28, 2026.

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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