

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2 In the Matter of:

No. 26F-H116-REL

3 Evelyn Keiling, TTE - The Keiling Living
4 Trust ,

**ORDER DENYING PETITIONER'S
EMERGENCY MOTION AND SANCTIONS**

5 **Petitioner,**

**ORDER DENYING RESPONDENT'S
MOTION TO DISMISS**

6 v.

7 Lone Mountain Community Association,

8 **Respondent.**

9
10 On August 16, 2026, Petitioner filed an EMERGENCY MOTION TO EXCLUDE 276
11 UNSERVED PAGES OF RESPONDENT'S SUBMITTAL, COMPEL SERVER LOGS, AND FOR ALL
12 SANCTIONS.

13 The Arizona Department of Real Estate filed its NOTICE OF HEARING packet with
14 the Office of Administrative Hearings ("OAH") on June 25, 2026, which included
15 numerous documents and Respondent's one page response. Respondent has filed (1)
16 a two-page Motion to Continue Hearing, and (2) the Bench Memorandum listed below.
17 The Tribunal is unaware of the 276 pages of documents Petitioner is referring to and all
18 proposed exhibits will be dealt with at the time of hearing.

19 On August 21, 2026, Respondent filed a BENCH MEMORANDUM AND PROPOSED
20 FINDINGS OF FACTS AND CONCLUSIONS OF LAW and requested a Motion to Dismiss.

21 The Tribunal agrees with Respondent that OAH does not have jurisdiction to
22 adjudicate claims arising out of ARIZONA REVISED STATUTE ("ARIZ. REV. STAT.") § 10-
23 3304 or any law falling under Chapter 26 of Title 10 under the ARIZ. REV. STAT. The
24 Tribunal will not adjudicate any challenge on the Association's authority to act.
25 Furthermore, the Tribunal detailed the one-issue¹ that will be heard, at the hearing, in
26 the August 13, 2026, MINUTE ENTRY: ADVISEMENT TO PARTIES which alleged a violation
27 of the Association's Design Guidelines Sections 1.5 & 5.1.7 and Covenants, Conditions
28 & Restrictions, Article 3, Section 3.1.

29 Based on a review of the information,

30
¹ The one-issue matter is detailed in Petitioner's Petition filed on April 20, 2026.

IT IS ORDERED denying Petitioner's Emergency Motion and Sanctions.

IT IS FURTHER ORDERED denying Respondent's Motion to Dismiss.

Done this day, August 25, 2026.

/s/ Nicole Robinson
Administrative Law Judge

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

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By: OAH Staff