



1 mandated by Arizona statutes.” Petitioner claims Respondent violated A.R.S. §§ 33-  
2 1804(A), 33-811, 10-3845 and 10-3830.

3 The powers and duties of administrative agencies such as the Office of  
4 Administrative Hearings are limited to those granted by statute and do not have any  
5 common law or inherent powers. *Ayala v. Hill*, 136 Ariz. 88, 664 P. 2d 238 (App. 1983).  
6 The Office of Administrative Hearings has limited jurisdiction in cases such as the  
7 instant one and can only determine whether the Association violated provisions of the  
8 planned community documents, i.e. Articles of Incorporation, Bylaws, Covenants  
9 Conditions and Restrictions or has violated A.R.S. Title 33, Chapter 9 or 16. See A.R.S.  
10 §§ 41-2198 and 41-2198.01(B). This Tribunal lacks the authority to determine alleged  
11 violations of A.R.S. Title 10. Consequently, allegations contained in the Petition that  
12 Respondent violated provisions of A.R.S. Title 10 are not properly before this Tribunal.

13 The issue as to whether Respondent violated A.R.S. § 33-1804(A) has been  
14 admitted to by Respondent, so that issue is not in dispute and a finding of such violation  
15 is found. With respect to the allegation of a violation of the conflict of interest provisions  
16 found in A.R.S. § 33-1811, the provisions pertain to obligations of individual board  
17 members and not an association at large. This Tribunal only has jurisdiction over  
18 disputes between homeowners and an association and not its individual board  
19 members. See A.R.S. § 41-2198.01(B). Consequently, with respect to the allegation  
20 that Respondent violated A.R.S. § 33-1811, that issue is not one which this Tribunal has  
21 jurisdiction to decide.

22 The Administrative Law Judge concludes that, based on the above, there are no  
23 issues contained in the Petition that require an evidentiary hearing.

24 **THEREFORE,**

25 **IT IS ORDERED** granting the Motion finding that Respondent has violated the  
26 provisions of A.R.S. § 33-1804(A); Respondent is to comply with such statute when  
27 conducting its board meetings;

28 **IT IS FURTHER ORDERED** that within forty days of the date of this Order  
29 Respondent shall reimburse Petitioner his \$550.00 filing fee; and  
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