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No. 21F-H2121058-REL-RHG

ADMINISTRATIVE LAW JUDGE DECISION

Respondent

APPEARANCES: Petitioner Daniel Belt failed to appear. Ellen Davis, Esq. represented Respondent Beaver Valley Improvement Association. William Campbell appeared as a witness for Respondent Beaver Valley Improvement Association.

FINDINGS OF FACT

2. On the date and time set for hearing, Ellen Davis, Esq. was present representing Beaver Valley Improvement Association (“Respondent”). William Campbell was also present as a witness for Respondent. Daniel Belt (“Petitioner”) did not appear for hearing. No representative for Petitioner appeared by 1:10 p.m., Petitioner did not request a continuance, and Petitioner failed to provide any cause for such non-appearance. Ms. Davis made a motion to dismiss.

Petitioner bears the burden of proof to establish that Respondent committed the alleged violation as asserted in the Petition, by a preponderance of the evidence.¹ Because Petitioner failed to appear, Petitioner failed to sustain his burden to establish a violation by Respondent.

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ORDER

IT IS ORDERED that Petitioner's Petition is dismissed.

NOTICE

This administrative law judge order, having been issued as a result of a rehearing, is binding on the parties. A.R.S. § 32-2199.02(B). A party wishing to appeal this order must seek judicial review as prescribed by A.R.S. § 41-1092.08(H) and title 12, chapter 7, article 6. Any such appeal must be filed with the superior court within thirty-five days from the date when a copy of this order was served upon the parties. A.R.S. § 12-904(A).

Done this day, March 11, 2022.

/s/ Sondra J. Vanella
Administrative Law Judge

Transmitted by either mail, e-mail, or facsimile March 11, 2022 to:

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