

1 **BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**

2 In the Matter of:

3
4 **Schmidt, Steven**

Petitioner

5
6 vs.

7 **Catalina Ridge Community Association, Inc.**

8 Respondent

File No.: HO22-22040

Docket No.: 22F-H2222040-REL

NOTICE OF HEARING

(Assigned to ALJ Jenna Clark)

9
10 YOU ARE HEREBY NOTIFIED that under Arizona Revised Statutes (“A.R.S.”)
11 § 41-1092.01, a hearing on the above-captioned matter will be conducted through the Office of
12 Administrative Hearings, an independent agency.

13 **Date of Hearing:**

June 23rd, 2022 at 9:00 a.m.

14
15 **Location:**

Office of Administrative Hearings

1740 W. Adams St.

Lower Level

Phoenix, Arizona 85007

16
17
18
19 Any party affected by this action must appear in person and can be represented by
20 counsel. Parties must be present during the giving of all evidence, to have a reasonable
21 opportunity to inspect all documentary evidence, to examine witnesses, to present evidence and
22 argument on all relevant issues, and to have subpoenas issued by the Administrative Law Judge
23 to compel attendance of witnesses and production of evidence.

24 Information regarding procedures, practice pointers, or the online filing of motions is
25 available through the Office of Administrative Hearings’ website at www.azoah.com, or by
26 calling their offices at (602) 542-9826.

27 The Office of Administrative Hearings has designated Jenna Clark, at the address and
28 phone number listed above, as the Administrative Law Judge for these proceedings.

1 If the Respondent does not appear, the hearing will proceed in the Respondent's absence.
2 If the Petitioner does not appear, the Petition may be dismissed.

3 You are requested to be present at the hearing and produce all association rules and
4 regulations and any amendments thereto, correspondence, associate policy statements and other
5 relevant evidence, including photographs. **You are requested to bring three (3) copies of any**
6 **documentary or photographic evidence.** You may present evidence through your own
7 testimony and through the testimony of witnesses on your behalf. It is your responsibility to
8 secure the attendance of your witnesses.

9 Additional information regarding rules for OAH, hearing procedures, preparing for your
10 hearing, and frequently asked questions, may be found on OAH's website at www.azoah.com.

11 **If you have filed any motions prior to the receipt of this Notice of Hearing, you must**
12 **re-file the motions with the Office of Administrative Hearings (OAH) electronically or at**
13 **the address listed above. With this notice, all oral and written communication should be**
14 **directed to the OAH and a copy must be provided to the opposing party.**

15 **As the hearing is now scheduled before an Administrative Law Judge, there is no**
16 **need by either party to copy the Arizona Department of Real Estate with motions,**
17 **responses or further correspondence on the matter.**

18 Under the Americans with Disabilities Act (ADA), the Office of Administrative Hearings
19 endeavors to ensure the accessibility of its hearings to all persons with disabilities. Persons with
20 disabilities may request reasonable accommodations such as interpreters, alternative formats, or
21 assistance with physical accessibility. Requests for accommodations should be made as early as
22 possible to allow time to arrange the accommodations. If you require accommodations, please
23 contact the Office of Administrative Hearings at (602) 542-9826.

24 **DISPUTE**


25 Petitioner stated that Respondent has violated Covenants, Conditions, and Restrictions
26 Article 7 Section 7 by "incorrectly [applying] the method for determining the allowable square
27 footage of an accessory structure."

28 //
//

1 QUESTIONS

2 Any and all questions regarding the referenced case matter should be directed to OAH.
3 For any and all general inquiries, please email oah@azoah.com. Their hours of operation are
4 8:00am - 5:00pm pm Monday through Friday.

5
6 DATED this 4th day of May, 2022.

7
8 
9 DANIEL Y. JONES
10 Division Manager
11 Arizona Department of Real Estate

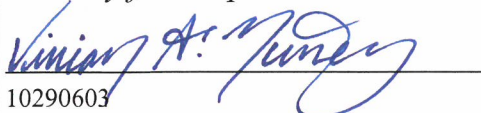
12 **E-FILE** of the foregoing this
13 4th day of May, 2022, to:

14 ALJ Jenna Clark
15 Office of Administrative Hearings

16 **COPY** mailed by First Class and
17 Certified Mail on the 4th day of
18 May, 2022, Return Receipts Requested
(Receipt No. 9489 0090 0027 6424 4975 21)

19 Steven J. Schmidt
20 11039 N. Joy Dr.
21 Oro Valley AZ, 85737
22 Email: spokanesteve@comcast.net
23 *ATTORNEY FOR Petitioner*

24 Michael Shupe Esq. 9489 0090 0027 6424 4975 38
25 c/o Goldschmidt/Shupe PLLC
26 6700 N. Oracle Rd. Ste. 240
27 Tucson AZ, 85704
28 Email: mike@gshoalaw.com
Attorney for Respondent


10290603