

CLERK OF THE
SUPERIOR COURT
FILED
K. WHITSON, DEP

2023 JUN 13 AM 11:03

1 Office of Administrative Hearings
2 1740 West Adams, Lower Level
3 Phoenix, Arizona 85007
4 Telephone Number: 602-542-9826
5 E-mail: OAH@azoah.com

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

9 In the Matter of
10 Tom Barrs
11 Petitioner
12 vs
13 Desert Ranch Homeowners Association

LC2023-000179-001

CERTIFICATION OF RECORD ON
REVIEW
RECORD OF ADMINISTRATIVE
HEARING

OAH No. 22F-H2222054-REL
22F-H2222050-REL

17
18 CERTIFICATION OF RECORD ON REVIEW

19
20 I am the agency head of the Office of Administrative Hearings or duly authorized
21 representative, and I certify that:

- 22 1. Attached to this Certification is an index of all materials contained in the record on appeal.
23
24 2. The materials included in the record on appeal are originals or accurate copies. The
25 information provided in this Certification is true and complete.

26 DATED this 6th day of June, 2023

27
28 Miranda R. Alvarez

29 Signature of Agency Head or Duly-Authorized Representative
30

Office of Administrative Hearings
1740 West Adams Street, Lower Level
Phoenix, Arizona 85007
(602) 542-9826

1 **The INDEX of RECORD on REVIEW and the complete Administrative Record on Review**
2 **in approved form were transmitted by certified mail on this 6th day of June, 2023 to:**

3 Clerk of the Court Attn: LC Specialty Desk
4 Maricopa County Superior Court
5 201 W. Jefferson (CCB)
6 Phoenix, Arizona 85003-2205

7 **A copy of the INDEX of RECORD on REVIEW and an electronic copy of the original case**
8 **documents and index of the Administrative Record on Review were transmitted by First**
9 **Class mail on this 6th day of June, 2023 to:**

10 Honorable JOSEPH P. MIKITISH
11 C/O Clerk of the Court
12 Maricopa County Superior Court
13 East Court Building
14 101 West Jefferson (ECB-CCB), Suite 613
15 Phoenix, Arizona 85003-2205

16 **A copy of the INDEX of RECORD on REVIEW was e-mailed/mailed on this 6th day of**
17 **June, 2023 to:**

18 Arizona Department of Real Estate
19 100 N. 15th Ave., Ste. 201
20 Phoenix, AZ 85007

21 B. Austin Baillio, Esq.
22 Maxwell & Morgan, P.C., Counsel for Respondent
23 Pierpont Commerce Center
24 4854 E. Baseline Rd., Ste. 104
25 Mesa, AZ 85206

26 Jonathan A. Dessaulles, Esq.
27 Dessaulles Law Group, Counsel for Petitioner
28 5343 N. 16th St., Ste. 200
29 Phoenix, AZ 85016

30 **By Miranda Alvarez**
Legal Secretary

1
2
3 **INDEX of RECORD on REVIEW**
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5 **Superior Court No. . LC2023-000179 DT**

6 **1. Original Agency Action From Which Review is Sought: A.R.S. 12-904(B)(1)**

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1.	05-25-2022	2022-05-25-2022 REQHRG Date hearing requested (975252)
2.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062130)
3.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062131)
4.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062132)
5.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062133)
6.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062134)
7.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062135)
8.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062136)
9.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062137)
10.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062138)
11.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062139)
12.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062140)
13.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (1062141)
14.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (978724)

15.	06-20-2022	2022-06-20-2022 ELECTRONIC-RECNOH received notice of hearing (978725)
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**2. Motions, Memoranda or Other Documents Submitted by the Parties to the Appeal:
A.R.S. § 12-904(B)(2)**

16.	06-28-2022	2022-06-28-2022 ELECTRONIC-RECMC Motion for Continuance received (980293)
17.	06-28-2022	2022-06-28-2022 ELECTRONIC-RECSUB Received Subpoenas (980289)
18.	06-28-2022	2022-06-28-2022 Request for Continuance 2022-06-20.docx (1062144)
19.	06-28-2022	2022-06-28-2022 subpoena duces tecum to Barrs.doc (1062143)
20.	06-30-2022	2022-06-30-2022 ELECTRONIC-RECMC Motion for Continuance received (980752)
21.	06-30-2022	2022-06-30-2022 ELECTRONIC-RECMC Motion for Continuance received (980753)
22.	07-04-2022	2022-07-04-2022 ELECTRONIC-RECRC Response to Continuance motion (981524)
23.	07-06-2022	2022-07-06-2022 ELECTRONIC-RECRC Response to Continuance motion (981760)
24.	07-06-2022	2022-07-06-2022 ELECTRONIC-RECRC Response to Continuance motion (981761)
25.	07-07-2022	2022-07-07-2022 ELECTRONIC-RECMM Misc motion received (982157)
26.	07-07-2022	2022-07-07-2022 ELECTRONIC-RECMM Misc motion received (982158)
27.	07-07-2022	2022-07-07-2022 ELECTRONIC-RECRMM Response to Misc motion (982256)
28.	07-07-2022	2022-07-07-2022 ELECTRONIC-RECRMM Response to Misc motion (982257)
29.	07-08-2022	2022-07-08-2022 ELECTRONIC-RECRC Response to Continuance motion (982435)
30.	07-08-2022	2022-07-08-2022 ELECTRONIC-RECRC Response to Continuance motion (982436)
31.	07-11-2022	2022-07-11-2022 IGNORE (983081)
32.	07-11-2022	2022-07-11-2022 IGNORE (983082)
33.	07-11-2022	2022-07-11-2022 IGNORE (983083)
34.	07-11-2022	2022-07-11-2022 IGNORE (983084)
35.	08-08-2022	2022-08-08-2022 ELECTRONIC-RECSUB Received Subpoenas (990700)
36.	08-08-2022	2022-08-08-2022 Subpoena_duces_tecum_to_Barrs_2022-08-08.doc (1062145)

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37.	08-19-2022	2022-08-19-2022 ELECTRONIC-RECSUB Received Subpoenas (993643)
38.	08-19-2022	2022-08-19-2022 ELECTRONIC-RECSUB Received Subpoenas (993644)
39.	08-19-2022	2022-08-19-2022 ELECTRONIC-RECSUB Received Subpoenas (993645)
40.	08-22-2022	2022-08-22-2022 ELECTRONIC-RECSUB Received Subpoenas (994052)
41.	08-22-2022	2022-08-22-2022 ELECTRONIC-RECSUB Received Subpoenas (994053)
42.	08-22-2022	2022-08-22-2022 ELECTRONIC-RECSUB Received Subpoenas (994054)
43.	08-22-2022	2022-08-22-2022 ELECTRONIC-RECSUB Received Subpoenas (994055)
44.	08-22-2022	2022-08-22-2022 ELECTRONIC-RECSUB Received Subpoenas (994056)
45.	08-22-2022	2022-08-22-2022 ELECTRONIC-RECSUB Received Subpoenas (994057)
46.	08-23-2022	2022-08-23-2022 ELECTRONIC-RECSUB Received Subpoenas (994485)
47.	08-23-2022	2022-08-23-2022 ELECTRONIC-RECSUB Received Subpoenas (994486)
48.	08-23-2022	2022-08-23-2022 ELECTRONIC-RECSUB Received Subpoenas (994487)
49.	08-23-2022	2022-08-23-2022 ELECTRONIC-RECSUB Received Subpoenas (994488)
50.	09-01-2022	2022-09-01-2022 ELECTRONIC-RECSUB Received Subpoenas (996913)
51.	09-01-2022	2022-09-01-2022 ELECTRONIC-RECSUB Received Subpoenas (996914)
52.	09-02-2022	2022-09-02-2022 SUBSER Subpoena served- (997151)
53.	09-08-2022	2022-09-08-2022 SUBSER Subpoena served- (998274)
54.	09-11-2022	2022-09-11-2022 ELECTRONIC-RECMM Misc motion received (998609)
55.	09-11-2022	2022-09-11-2022 ELECTRONIC-RECMM Misc motion received (998610)
56.	09-15-2022	2022-09-15-2022 ELECTRONIC-RECMM Misc motion received (999678)
57.	09-15-2022	2022-09-15-2022 ELECTRONIC-RECMM Misc motion received (999679)
58.	09-15-2022	2022-09-15-2022 ELECTRONIC-RECMM Misc motion received (999681)
59.	09-15-2022	2022-09-15-2022 ELECTRONIC-RECMM Misc motion received (999682)
60.	09-15-2022	2022-09-15-2022 ELECTRONIC-RECRMM Response to Misc motion (999722)
61.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECMM Misc motion received (1000011)
62.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECMM Misc motion received (1000012)
63.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECMM Misc motion received (1000016)

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64.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECMM Misc motion received (1000017)
65.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECMM Misc motion received (1000024)
66.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECMM Misc motion received (1000025)
67.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECMM Misc motion received (1000026)
68.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECMM Misc motion received (1000027)
69.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000038)
70.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000039)
71.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000113)
72.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000208)
73.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000209)
74.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000212)
75.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000213)
76.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000214)
77.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000215)
78.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000218)
79.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000219)
80.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000224)
81.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000225)
82.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000265)
83.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000277)
84.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000318)
85.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000319)
86.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000320)
87.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000321)
88.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (1000327)
89.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (999991)
90.	09-16-2022	2022-09-16-2022 ELECTRONIC-RECRMM Response to Misc motion (999992)

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91.	09-20-2022	2022-09-20-2022 ELECTRONIC-docrec (1001039)
92.	09-20-2022	2022-09-20-2022 ELECTRONIC-docrec (1001040)
93.	09-20-2022	2022-09-20-2022 ELECTRONIC-REC NOTICE OF APPEARANCE (1001028)
94.	09-20-2022	2022-09-20-2022 ELECTRONIC-REC NOTICE OF APPEARANCE (1001029)
95.	09-22-2022	2022-09-22-2022 ELECTRONIC-docrec (1001590)
96.	09-22-2022	2022-09-22-2022 ELECTRONIC-docrec (1001591)
97.	09-26-2022	2022-09-26-2022 ELECTRONIC-docrec (1002191)
98.	09-26-2022	2022-09-26-2022 ELECTRONIC-docrec (1002192)
99.	09-27-2022	2022-09-27-2022 ELECTRONIC-docrec-Receipts for the three different fee requests and (1002474)
100.	09-27-2022	2022-09-27-2022 ELECTRONIC-docrec-Receipts for the three different fee requests and (1002475)
101.	09-27-2022	2022-09-27-2022 ELECTRONIC-docrec-Receipts for the three different fee requests and (1002476)
102.	09-27-2022	2022-09-27-2022 ELECTRONIC-docrec-Receipts for the three different fee requests and (1002477)
103.	09-27-2022	2022-09-27-2022 ELECTRONIC-docrec-Receipts for the three different fee requests and (1002478)
104.	09-27-2022	2022-09-27-2022 ELECTRONIC-docrec-Receipts for the three different fee requests and (1002479)
105.	12-26-2022	2022-12-26-2022 ELECTRONIC-docrec (1021906)
106.	12-26-2022	2022-12-26-2022 ELECTRONIC-docrec (1021907)
107.	12-27-2022	2022-12-27-2022 ELECTRONIC-docrec (1021938)
108.	12-27-2022	2022-12-27-2022 ELECTRONIC-docrec (1021939)
109.	01-05-2023	2023-01-05-2023 ELECTRONIC-REC NOTICE OF APPEARANCE (1024095)
110.	01-05-2023	2023-01-05-2023 ELECTRONIC-REC NOTICE OF APPEARANCE (1024096)
111.	03-23-2023	2023-03-23-2023 1_Rehearing Request Form for Tom Barrs vs Desert Ranch HOA.jpg (1062176)
112.	03-28-2023	2023-03-28-2023 1_Revised Rehearing Request Form for Barrs vs Desert Ranch.jpg (1062177)
113.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1050377)

114.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062163)
115.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062164)
116.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062165)
117.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062166)
118.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062167)
119.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062168)
120.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062169)
121.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062170)
122.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062171)
123.	04-19-2023	2023-04-19-2023 ELECTRONIC-docrec (1062175)
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125.	06-02-2023	2023-06-02-2023 APPEAL Appeal (1061278)
126.	06-02-2023	2023-06-02-2023 APPEAL Appeal (1061279)
127.	06-02-2023	2023-06-02-2023 APPEAL Appeal (1062121)

3. Administrative Law Judge Orders

128.	06-30-2022	2022-06-30-2022 Minute Entry - Response Due (980707)
129.	07-06-2022	2022-07-06-2022 Minute Entry Continuance (981840)
130.	07-08-2022	2022-07-08-2022 Minute Entry - FYI Advisement to Parties (982467)
131.	07-25-2022	2022-07-25-2022 Minute Entry Continuance (987371)
132.	08-08-2022	2022-08-08-2022 SUBSIG Subpoena signed (990947)
133.	08-08-2022	2022-08-08-2022 SUBSIG Subpoena signed (990948)
134.	08-23-2022	2022-08-23-2022 SUBSIG Subpoena signed (994295)
135.	08-25-2022	2022-08-25-2022 SUBSIG Subpoena sig (995039)
136.	09-02-2022	2022-09-02-2022 SUBSIG Subpoena signed (997147)
137.	09-12-2022	2022-09-12-2022 Minute Entry - FYI Advisement to Parties (998624)
138.	09-19-2022	2022-09-19-2022 Minute Entry - FYI Advisement to Parties (1000780)
139.	09-27-2022	2022-09-27-2022 Minute Entry Continuance (1002384)

4. Exhibits Admitted as Evidence at the Administrative Hearing: A.R.S. § 12-904(B)(3); Exhibits Offered, but not Admitted or Withdrawn

140.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 1-63 (1001072)
141.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 1-63 (1001073)
142.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 105-124 (1001080)
143.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 105-124 (1001081)
144.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 125-232 (1001084)
145.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 125-232 (1001085)
146.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 233-334 (1001089)
147.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 233-334 (1001090)
148.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 335-438 (1001091)
149.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 335-438 (1001092)
150.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 64-104 (1001076)
151.	09-20-2022	2022-09-20-2022 Petitioner Exhibits 64-104 (1001077)
152.	09-20-2022	2022-09-20-2022 Respondent Exhibits (1000803)
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155.	09-22-2022	2022-09-22-2022 Petitioner Exhibits 439-481 (1001596)
156.	09-26-2022	2022-09-26-2022 Petitioner Exhibits 484-486 (1002196)
157.	09-26-2022	2022-09-26-2022 Petitioner Exhibits 484-486 (1002197)
158.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024303)
159.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024304)
160.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024305)
161.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024306)
162.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024307)

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163.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024308)
164.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024309)
165.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024310)
166.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024311)
167.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024312)
168.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024313)
169.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024314)
170.	01-06-2023	2023-01-06-2023 Complainant-Petitioner-Appellant Exhibits (1024315)
171.	01-09-2023	2023-01-09-2023 Complainant-Petitioner-Appellant Exhibits (1024787)
172.	01-09-2023	2023-01-09-2023 Complainant-Petitioner-Appellant Exhibits (1024788)
173.	01-09-2023	2023-01-09-2023 Complainant-Petitioner-Appellant Exhibits (1024789)
174.	01-09-2023	2023-01-09-2023 Complainant-Petitioner-Appellant Exhibits (1024790)
175.	01-09-2023	2023-01-09-2023 Complainant-Petitioner-Appellant Exhibits (1024791)
176.	01-10-2023	2023-01-10-2023 Petitioner Exhibits 482-483 & 487 (1062155)
177.	01-10-2023	2023-01-10-2023 Petitioner Exhibits 482-483 & 487 (1062156)
178.	01-10-2023	2023-01-10-2023 Petitioner Exhibits 482-483 & 487 (1062157)
179.	01-10-2023	2023-01-10-2023 Petitioner Exhibits 482-483 & 487 (1062158)
180.	01-10-2023	2023-01-10-2023 Petitioner Exhibits 482-483 & 487 (1062159)
181.	01-10-2023	2023-01-10-2023 Petitioner Exhibits 482-483 & 487 (1062160)
182.	01-24-2023	2023-01-24-2023 ADRE Supplemental File - Proof of Payment (1028416)
183.	01-24-2023	2023-01-24-2023 ADRE Supplemental File - Proof of Payment (1028417)

184.	01-24-2023	2023-01-24-2023 ADRE Supplemental File - Proof of Payment (1028418)
185.	01-24-2023	2023-01-24-2023 ADRE Supplemental File - Proof of Payment (1028419)

5. Administrative Law Judge Decision and any Revisions or Modifications: A.R.S. § 12-904(B)(4)

186.	02-21-2023	2023-02-21-2023 HOA - ALJDEC decisions (1035798)
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6. Transcript: A.R.S. § 12-904(B)(5)

Although the transcript has been designated as part of the record by Appellant pursuant to A.R.S. § 12-909(A), or was requested by any party pursuant to A.R.S. § 12-904(B)(5), no transcript has been submitted by any party at this time. Upon submittal to the Office of Administrative Hearings, the record will be supplemented.



OFFICE OF ADMINISTRATIVE HEARINGS

REQUEST FOR HEARING

DATE: 5/25/2022

TO: Casemanagement@azoah.com

FROM: Lauren Abril

EMAIL (REQUIRED): labril@azre.gov

DOCKET NO.: 22F-H2222054-REL

CAPTION (REQUIRED)

In the Matter of
 Tom Barrs
 Petitioner
 vs
 Desert Ranch Homeowners
 Association

Hearing Type *

Date of Request 05/25/2022 * Purposed Date/Time _____

* The date MUST be within 60 days of an appealable agency action hearing request, or within 60 days of this contested case hearing request
UNLESS at least one of the following factors are true:

All parties agree to a date beyond 60 days OAH to set case for intervening prehearing within 60 days

BY CHECKING A BOX, THE AGENCY IS CERTIFYING TO THE OAH THAT THE FACTORS ARE TRUE.

(REQUIRED) NAME AND ADDRESS

Petitioner

Tom Barrs
 PO Box 14122
 Scottsdale, AZ 85267

Phone: (509) 939-7764
 Email: tbarrs360@gmail.com

Respondent

B. Austin Baillio Esq.
 c/o Desert Ranch Homeowners Association
 Maxwell & Morgan P.C.
 4854 E. Baseline Rd. Suite 104
 Mesa, AZ 85206

Phone: (480) 833-1001
 Email: abailio@hoalaw.biz

*

Phone: _____
 Email: _____

OAH USE ONLY:

Assigned ALJ: Jenna Clark

ASSIGNED AS	
HEARING	PREHEARING (if applicable)
DATE: <u>7/25/2022</u> <input type="checkbox"/>	DATE: _____ <input type="checkbox"/>
TIME: <u>9:00</u>	TIME: _____
LOCATION: _____	LOCATION: _____

SPECIAL ADVISEMENT	
FROM OAH	FROM AGENCY



ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)
Homeowners Association Dispute Resolution

Douglas A. Ducey
Governor

www.azre.gov

Louis Dettorre
Commissioner

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

May 11, 2022

HOA Notice of Petition

Amanda Shaw
Associated Asset Management
1600 W. Broadway Rd., Suite 200
Tempe, AZ 85282

Via Email: ashaw@associatedasset.com

Via certified mail receipt no: 9489 0090 0027 6424 4979 72

RE: NOTICE OF PETITION – HOA Dispute Petition
RESPONDENT: DESERT RANCH HOMEOWNERS ASSOCIATION
PETITIONER: Tom Barrs
ADRE File No.: HO22-22054

To Whom It May Concern:

The Arizona Department of Real Estate (“the Department”) has received a Petition for a Hearing against DESERT RANCH HOMEOWNERS ASSOCIATION (Respondent), and has initiated the HOA Dispute Process pursuant to the Department’s authorization under Arizona Revised Statutes (A.R.S.), Title 32, Chapter 20, Article 11.

Under A.R.S. § 32-2199.01(C) & (E), The Respondent has **TWENTY (20) days** from the mailing of this letter to respond to the petition, showing cause, if any, as to why the petition should be dismissed.

Complete the attached Response Form, and submit it to the Department no later than **6/6/2022**. You are also required to send a copy of your response to the Petitioner. (Contact Information provided below.) Failure to answer by 6/6/2022 is deemed as an admission of the allegations within the Petition and an Order of Default may be issued.

Upon a timely response, the Department will review your submission and if justified, the case shall be referred to the Office of Administrative Hearings to schedule a hearing.

Submit your response to the ADRE Message Center under the HOA Dispute Process inbox at www.azre.gov/message-center for the fastest response time or mail to: ADRE HOA Dispute Process: 100 N. 15th Ave. Suite 201 Phoenix AZ 85007

If you have any further questions, additional information regarding this process is available at www.azre.gov/consumers/hoa. If you are unable to find the answer there, please submit questions to the Department message center at the link provided above.

May 11, 2022

2 | Page

Sincerely,

/s/ Daniel Jones

Daniel Jones
HOA Dispute Process
Department of Real Estate

Enclosures: Petition Response Form & Petition

Cc: via U.S. Mail:
Petitioner Contact Information
Tom Barrs
P.O. Box 14122
Scottsdale, AZ 85267

Email: tbarrs360@gmail.com



ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

Douglas A. Ducey
Governor

Louis Dettorre
Commissioner

ATTENTION RESPONDENT

Pursuant to Arizona Revised Statute § 32-2199.01 (C) you are required to file a response to the Petition with the Department of Real Estate within twenty (20) days of the notification. Failure to file a response will be deemed an admission of the allegations made in the Petition, and the Commissioner shall issue a default decision.

Response Re: Case # HO22 – 22054

- All of the complaint items in the Petition are denied.
The following complaint items are denied (if not specifically denied, allegations will be deemed admitted)

Three horizontal lines for providing details of denied items.

- All of the complaint items have been resolved
Respondent intends to call witnesses at the hearing
Number of witnesses:
A copy of this response was sent to Petitioner

If this matter is referred, Respondent will be represented by: (provide name and contact information)

Three horizontal lines for providing representative information.

Respondent's Name (PRINT) Date

Respondent's Signature Date



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

HOMEOWNERS ASSOCIATION (HOA) DISPUTE PROCESS PETITION

LEGAL ACTION (Complete this section with the Attorney's information if the Petitioner is being represented on this matter.)

Does an attorney represent you in this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Has a lawsuit been filed regarding this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

INVOLVED PARTIES (An owner's petition (complaint) must be about a dispute between the owner and the association. An association's petition (complaint) must be about a dispute between the association and the owner.)

PETITIONER IS A (check one)	RESPONDENT IS A (check one)
<input checked="" type="checkbox"/> Homeowner	<input type="checkbox"/> Homeowner
<input type="checkbox"/> Condominium/Community Association	<input type="checkbox"/> Condominium/Community Association
<input type="checkbox"/> Planned Community Association	<input checked="" type="checkbox"/> Planned Community Association

RESPONDENT INFORMATION (Respondent may not be a management company but may be addressed in care of one.) The Respondent is the person or association against whom action or relief is sought, or who opposes the petition.

Homeowner (Last, First & M.I.) or Association Name: Desert Ranch Homeowners Association (c/o Associated Asset Management - AAM - Amanda Shaw)			
Address: 1600 W. BROADWAY ROAD (SUITE 200)	City: TEMPE	State: AZ	Zip Code: 85282
Best Phone Contact:		Email address: ashaw@associatedasset.com	

PETITIONER (YOUR NAME AND ADDRESS) The person or association completing this form is the Petitioner.

Homeowner (Last, First & M.I.) or Association Name: Tom Barrs			
Address: PO Box 14122	City: Scottsdale	State: AZ	Zip Code: 85267
Best Phone Contact:		Email address: tbarrs360@gmail.com	

ADDRESS OF SUBJECT PROPERTY (If different than the Petitioner's mailing address)

Address: 9227 E Preserve Way	City: Scottsdale	State: AZ	Zip Code: 85262
---------------------------------	---------------------	--------------	--------------------

COMPLAINT (DO NOT LEAVE THIS SECTION BLANK)

This complaint is a violation of: (Check box and provide the reference of the alleged violation/s. THIS MUST BE COMPLETED.)	
<input type="checkbox"/> Condominium Statutes (example. A.R.S. § 33-1243):	_____
<input checked="" type="checkbox"/> Planned Community Statutes (example. A.R.S. § 33-1809(A)(1)): <u>ARS 33-1804(A)</u>	_____
<input type="checkbox"/> Bylaws (Example: Article 4.1(a)):	_____
<input type="checkbox"/> CC&Rs (Example: Article 4, Sec. 4.1):	_____

NUMBER OF ISSUES CLAIMED IN THIS PETITION

<input checked="" type="checkbox"/> 1 \$500
<input type="checkbox"/> 2 \$1,000
<input type="checkbox"/> 3 \$1,500
<input type="checkbox"/> 4 \$2,000



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

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DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

RELIEF REQUESTED

Other than ordering Respondent to pay to the Petitioner the filing fee required by A.R.S § 32-2199.01, if the Petitioner prevails, Petitioner requests that the following relief be awarded regarding the act, omission, or condition described in this Petition.

- Order a party to abide by the Arizona statute specified in the complaint section.
- Order a party to abide by the section(s) of the condominium/planned community document(s) specified.
- Impose a civil penalty on the basis of the violation specified. (Civil penalties, if granted, are awarded to the state.)

WITNESSES (Please list any witnesses below. If there are more witnesses please list in the narrative statement below.)

Name:			
Address:	City:	State:	Zip Code:
Phone:		Email address:	

ALLEGED VIOLATION DESCRIPTION - NARRATIVE STATEMENT

***Use the space below to provide a one sentence statement of the violation/s for each issue claimed. Include with the statement a description, the specific factual basis of, the nature of, and the date and time of the alleged violation/s. (If you require more room write "See Attached" below and attach the document with your submission of this Petition.)**

AAM on behalf of the Desert Ranch Homeowners Association has failed to and/or is refusing to provide various records requested pursuant to ARS 33-1805. Records requests were made on or around the following:

October 21, 2021; December 7, 2021; November 7, 2021; January 19, 2022; February 28, 2022; March 29, 2022

The Desert Ranch Homeowners Association has received civil penalties by this tribunal in the past for willfully refusing to comply with records requests. When those penalties were levied against the Association in response to willful noncompliance, the board was comprised of mostly the same officers/directors (Monte Matz, Gerard Mangieri & Brian Schoeffler). They should be well aware of how to comply with a records request. Moreover, the HOA states that they rely on their management company's (AAM's), "knowledge of what would be acceptable under Arizona Law," who should certainly know better as well.

Petitioner requests civil penalties for the blatant refusal to provide records that should be provided by statute.

Petitioner request that the Association be instructed to comply with ARS 33-1805 and provide the requested records immediately.

Petitioner requests reimbursement of filing fee.



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

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100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

HOMEOWNERS ASSOCIATION (HOA) DISPUTE PROCESS PETITION

LEGAL ACTION (Complete this section with the Attorney's information if the Petitioner is being represented on this matter.)

Does an attorney represent you in this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Has a lawsuit been filed regarding this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

INVOLVED PARTIES (An owner's petition (complaint) must be about a dispute between the owner and the association. An association's petition (complaint) must be about a dispute between the association and the owner.)

PETITIONER IS A (check one) <input checked="" type="checkbox"/> Homeowner <input type="checkbox"/> Condominium/Community Association <input type="checkbox"/> Planned Community Association	RESPONDENT IS A (check one) <input type="checkbox"/> Homeowner <input type="checkbox"/> Condominium/Community Association <input checked="" type="checkbox"/> Planned Community Association
---	---

RESPONDENT INFORMATION (Respondent may not be a management company but may be addressed in care of one.) The Respondent is the person or association against whom action or relief is sought, or who opposes the petition.

Homeowner (Last , First & M.I) or Association Name: Desert Ranch Homeowners Association (c/o Associated Asset Managment - AAM - Amanda Shaw)			
Address: 1600 W. BROADWAY ROAD (SUITE 200)	City: TEMPE	State: AZ	Zip Code: 85282
Best Phone Contact:		Email address: ashaw@associatedasset.com	

PETITIONER (YOUR NAME AND ADDRESS) The person or association completing this form is the Petitioner.

Homeowner (Last , First & M.I) or Association Name: Tom Barrs			
Address: PO Box 14122	City: Scottsdale	State: AZ	Zip Code: 85267
Best Phone Contact:		Email address: tbarrs360@gmail.com	

ADDRESS OF SUBJECT PROPERTY (If different than the Petitioner's mailing address)

Address: 9227 E Preserve Way	City: Scottsdale	State: AZ	Zip Code: 85262
---------------------------------	---------------------	--------------	--------------------

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<input type="checkbox"/> Bylaws (Example: Article 4.1(a)): _____	
<input type="checkbox"/> CC&Rs (Example: Article 4, Sec. 4.1): _____	

NUMBER OF ISSUES CLAIMED IN THIS PETITION

<input checked="" type="checkbox"/> 1 \$500
<input type="checkbox"/> 2 \$1,000
<input type="checkbox"/> 3 \$1,500
<input type="checkbox"/> 4 \$2,000



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

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100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

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Other than ordering Respondent to pay to the Petitioner the filing fee required by A.R.S § 32-2199.01, if the Petitioner prevails, Petitioner requests that the following relief be awarded regarding the act, omission, or condition described in this Petition.

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WITNESSES (Please list any witnesses below. If there are more witnesses please list in the narrative statement below.)

Name:			
Address:	City:	State:	Zip Code:
Phone:		Email address:	

ALLEGED VIOLATION DESCRIPTION - NARRATIVE STATEMENT

*Use the space below to provide a one sentence statement of the violation/s for each issue claimed. Include with the statement a description, the specific factual basis of, the nature of, and the date and time of the alleged violation/s. (If you require more room write "See Attached" below and attach the document with your submission of this Petition.)

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*petition reference on page 1 updated to match page 2 (5/12/22)



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Homeowners Association Dispute Resolution

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GOVERNOR

LOUIS DETTORRE
COMMISSIONER

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Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

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Planned Community Statutes (example. A.R.S. § 33-1809(A)(1)): ARS 33-1804(A)

Bylaws (Example: Article 4.1(a)): _____

CC&Rs (Example: Article 4, Sec. 4.1): _____

NUMBER OF ISSUES CLAIMED IN THIS PETITION

<input checked="" type="checkbox"/> 1 \$500
<input type="checkbox"/> 2 \$1,000
<input type="checkbox"/> 3 \$1,500
<input type="checkbox"/> 4 \$2,000



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Petitioner requests reimbursement of filing fee.



ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

Douglas A. Ducey
Governor

Louis Dettorre
Commissioner

ATTENTION RESPONDENT

Pursuant to Arizona Revised Statute § 32-2199.01 (C) you are required to file a response to the Petition with the Department of Real Estate within twenty (20) days of the notification. Failure to file a response will be deemed an admission of the allegations made in the Petition, and the Commissioner shall issue a default decision.

Response Re: Case # HO22 – 22054

- All of the complaint items in the Petition are denied.
- The following complaint items are denied (if not specifically denied, allegations will be deemed admitted)

- All of the complaint items have been resolved
- Respondent intends to call witnesses at the hearing
 - Number of witnesses: 5
- A copy of this response was sent to Petitioner

If this matter is referred, Respondent will be represented by: (provide name and contact information)

B. Austin Baillio, Esq. from Maxwell & Morgan, P.C., 4854 E. Baseline Rd., Suite 104, Mesa, AZ 85206
480-833-1001; abailio@hoalaw.biz

Respondent's Name (PRINT) GERARD A. MANGIERI Date MAY 16, 2022

Respondent's Signature Gerard A. Mangieri Date MAY 16, 2022



User Message

[Dashboard](#) >> [Reply to Message](#) >> [Department Message](#) >> [Attachment](#) >> [Conversation](#) >> User Message

The following message was sent from the Department to one or more users of our Online Systems.

Message ID: 618043

Recipient: Austin Baillio

Recipient Email: abaillio@hoalaw.biz

Sender: Lauren Abril

Sender Description: Lauren Abril

Date Sent: 5/25/2022 2:28:50 PM

Date Read:

Date Replied:

Topic: Reply: Homeowner Association (HOA) Dispute Process

Message:

Hello

The Department will send a request to the Office of Administrative Hearings (OAH) to combine the files . H022-22050 and H022-22054 If OAH is unable to fulfill this request through Department action, you may need to file a motion to do so once a hearing has been set at OAH.

Thank you!

My firm will be representing the Association in this matter. I have emailed the response to the petitioner. This is the fourth petition these petitioners have filed against the Association for issues that overlap with other petitions recently filed (with case number H022-22050). We would request that all four petitions be heard at the same time to avoid unnecessary and duplicative costs for the successive petitions filed. Thank you, Austin Baillio

[Edit Message](#)

[Go Back](#)

Conversations

Open the Conversation if you need to make changes such as Assigned Employee and to view all related messages.

Conversation ID	Subject	Status	Date Created	Assigned
Open 227795	Homeowner Association (HOA) Dispute Process	Open	5/25/2022 10:19:00 AM	Lauren Abril

Action Log

Session No	User Name	Action Date	Detail
009082382	Lauren Abril	5/25/2022 2:28:50 PM	Create new reply to Message ID 617883 from Lauren Abril in Conversation ID 227795.



ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

Douglas A. Ducey
Governor

Louis Dettorre
Commissioner

May 12, 2022

HOA Notice of Petition

Amanda Shaw
Associated Asset Management
1600 W. Broadway Rd., Suite 200
Tempe, AZ 85282

Via Email: ashaw@associatedasset.com

Via certified mail receipt no:

RE: NOTICE OF PETITION – HOA Dispute Petition
RESPONDENT: DESERT RANCH HOMEOWNERS ASSOCIATION
PETITIONER: Tom Barrs
ADRE File No.: HO22-22054

To Whom It May Concern:

The Arizona Department of Real Estate (“the Department”) has received the attached “corrected” petition from the petitioner. The initial petition was sent to you via USPS certified mail on May 11, 2022.

Under A.R.S. § 32-2199.01(C) & (E), The Respondent has **TWENTY (20) days** from the mailing of this letter to respond to the petition, showing cause, if any, as to why the petition should be dismissed.

Complete the attached Response Form, and submit it to the Department no later than **6/6/2022**. You are also required to send a copy of your response to the Petitioner. (Contact Information provided below.) Failure to answer by 6/6/2022 is deemed as an admission of the allegations within the Petition and an Order of Default may be issued.

Upon a timely response, the Department will review your submission and if justified, the case shall be referred to the Office of Administrative Hearings to schedule a hearing.

Submit your response to the ADRE Message Center under the HOA Dispute Process inbox at www.azre.gov/message-center for the fastest response time or mail to: ADRE HOA Dispute Process: 100 N. 15th Ave. Suite 201 Phoenix AZ 85007

If you have any further questions, additional information regarding this process is available at www.azre.gov/consumers/hoa. If you are unable to find the answer there, please submit questions to the Department message center at the link provided above.

Best regards,

/s/ Daniel Jones

Daniel Jones
HOA Dispute Process
Department of Real Estate

Enclosures: Petition Response Form & Petition

Cc: via U.S. Mail:
Petitioner Contact Information
Tom Barrs
P.O. Box 14122
Scottsdale, AZ 85267

Email: tbarrs360@gmail.com



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Response Re: Case # HO22 – 22054

- All of the complaint items in the Petition are denied.
- The following complaint items are denied (if not specifically denied, allegations will be deemed admitted)

- All of the complaint items have been resolved
- Respondent intends to call witnesses at the hearing
 - Number of witnesses: _____
- A copy of this response was sent to Petitioner

If this matter is referred, Respondent will be represented by: (provide name and contact information)

Respondent's Name (PRINT) _____ Date _____

Respondent's Signature _____ Date _____



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

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DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

HOMEOWNERS ASSOCIATION (HOA) DISPUTE PROCESS PETITION

LEGAL ACTION (Complete this section with the Attorney's information if the Petitioner is being represented on this matter.)

Does an attorney represent you in this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Has a lawsuit been filed regarding this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

INVOLVED PARTIES (An owner's petition (complaint) must be about a dispute between the owner and the association. An association's petition (complaint) must be about a dispute between the association and the owner.)

PETITIONER IS A (check one) <input checked="" type="checkbox"/> Homeowner <input type="checkbox"/> Condominium/Community Association <input type="checkbox"/> Planned Community Association	RESPONDENT IS A (check one) <input type="checkbox"/> Homeowner <input type="checkbox"/> Condominium/Community Association <input checked="" type="checkbox"/> Planned Community Association
---	---

RESPONDENT INFORMATION (Respondent may not be a management company but may be addressed in care of one.) The Respondent is the person or association against whom action or relief is sought, or who opposes the petition.

Homeowner (Last, First & M.I.) or Association Name: Desert Ranch Homeowners Association (c/o Associated Asset Management - AAM - Amanda Shaw)			
Address: 1600 W. BROADWAY ROAD (SUITE 200)	City: TEMPE	State: AZ	Zip Code: 85282
Best Phone Contact:		Email address: ashaw@associatedasset.com	

PETITIONER (YOUR NAME AND ADDRESS) The person or association completing this form is the Petitioner.

Homeowner (Last, First & M.I.) or Association Name: Tom Barrs			
Address: PO Box 14122	City: Scottsdale	State: AZ	Zip Code: 85267
Best Phone Contact:		Email address: tbarrs360@gmail.com	

ADDRESS OF SUBJECT PROPERTY (If different than the Petitioner's mailing address)

Address: 9227 E Preserve Way	City: Scottsdale	State: AZ	Zip Code: 85262
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COMPLAINT (DO NOT LEAVE THIS SECTION BLANK)

This complaint is a violation of: (Check box and provide the reference of the alleged violation/s. THIS MUST BE COMPLETED.) <input type="checkbox"/> Condominium Statutes (example. A.R.S. § 33-1243): _____ <input checked="" type="checkbox"/> Planned Community Statutes (example. A.R.S. § 33-1809(A)(1)): <u>ARS 33-1805</u> <input type="checkbox"/> Bylaws (Example: Article 4.1(a)): _____ <input type="checkbox"/> CC&Rs (Example: Article 4, Sec. 4.1): _____
--

NUMBER OF ISSUES CLAIMED IN THIS PETITION

<input checked="" type="checkbox"/> 1 \$500 <input type="checkbox"/> 2 \$1,000 <input type="checkbox"/> 3 \$1,500 <input type="checkbox"/> 4 \$2,000



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

RELIEF REQUESTED

Other than ordering Respondent to pay to the Petitioner the filing fee required by A.R.S § 32-2199.01, if the Petitioner prevails, Petitioner requests that the following relief be awarded regarding the act, omission, or condition described in this Petition.

- Order a party to abide by the Arizona statute specified in the complaint section.
- Order a party to abide by the section(s) of the condominium/planned community document(s) specified.
- Impose a civil penalty on the basis of the violation specified. (Civil penalties, if granted, are awarded to the state.)

WITNESSES (Please list any witnesses below. If there are more witnesses please list in the narrative statement below.)

Name:			
Address:	City:	State:	Zip Code:
Phone:		Email address:	

ALLEGED VIOLATION DESCRIPTION - NARRATIVE STATEMENT

***Use the space below to provide a one sentence statement of the violation/s for each issue claimed. Include with the statement a description, the specific factual basis of, the nature of, and the date and time of the alleged violation/s. (If you require more room write "See Attached" below and attach the document with your submission of this Petition.)**

Associated Asset Management Company on behalf of Desert Ranch Homeowners Association refuses to provide the Membership Roster. The record was requested on 10/21/2021. This is a record that has been provided to the membership for over 20 years. Now all of a sudden, the management company is refusing to follow state law.

Lori Loch-Lee of Associated Asset Management contemptuously responded to my request as follows:

"The Owner Directory is not made available to the residents. You have asked and I have answered.

Not sure what you do not understand that AAM is not providing any type of listing to a non-Board Member."

Petitioner requests that the Association be instructed to provide the requested record pursuant to state law.

Furthermore, Petitioner requests civil penalties due to the blatant disregard for state statute



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Douglas A. Ducey
Governor

Louis Dettorre
Commissioner

April 28, 2022

HOA Notice of Petition

Amanda Shaw
Associated Asset Management
1600 W. Broadway Rd., Suite 200
Tempe, AZ 85282

Via Email: ashaw@associatedasset.com

Via certified mail receipt no: 9489 0090 0027 6341 9491 58

RE: NOTICE OF PETITION – HOA Dispute Petition
RESPONDENT: Desert Ranch Homeowners Association
Case #: HO22-22050 (1, 2 & 3)

To Whom It May Concern:

The Arizona Department of Real Estate (“the Department”) has received three (3) Petitions for a Hearing against **Desert Ranch Homeowners Association** (Respondent), and has initiated the HOA Dispute Process pursuant to the Department’s authorization under Arizona Revised Statutes (A.R.S.), Title 32, Chapter 20, Article 11.

Under A.R.S. § 32-2199.01(C) & (E), The Respondent has **TWENTY (20) days** from the mailing of this letter to respond to the petitions, showing cause, if any, as to why the petitions should be dismissed.

Complete an attached Response Form for each Petition, and submit them to the Department no later than **May 18, 2022**. You are also required to send a copy of your responses to the Petitioner.(Contact Information provided below.) Failure to answer by **May 18, 2022** is deemed as an admission of the allegations within the Petitions and an Order of Default may be issued.

Upon a timely response, the Department will review your submissions and if justified, the case shall be referred to the Office of Administrative Hearings to schedule a hearing.

Submit your responses to the ADRE Message Center under the HOA Dispute Process inbox at www.azre.gov/message-center for the fastest response time or mail to: ADRE HOA Dispute Process: 100 N. 15th Ave. Suite 201 Phoenix AZ 85007

If you have any further questions, additional information regarding this process is available at www.azre.gov/consumers/hoa. If you are unable to find the answer there, please submit questions to the Department message center at the link provided above.



ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

100 North 15th Avenue, Suite 201, Phoenix, Arizona 85007

Douglas A. Ducey
Governor

Louis Dettorre
Commissioner

Sincerely,

/s/ Daniel Jones

Daniel Jones
HOA Dispute Process
Department of Real Estate

Enclosures: Petition Response Form & Petition

Cc: via U.S. Mail:
Petitioner Contact Information
Tom Barrs
PO Box 14122
Scottsdale, AZ 85267

Email: ocrx66@gamil.com



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Homeowners Association Dispute Resolution

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Governor

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ATTENTION RESPONDENT

Pursuant to Arizona Revised Statute § 32-2199.01 (C) you are required to file a response to the Petition with the Department of Real Estate within twenty (20) days of the notification. Failure to file a response will be deemed an admission of the allegations made in the Petition, and the Commissioner shall issue a default decision.

Response Re: Case # [HO22 – 22050 (issue 1)]

1. All of the complaint items in the Petition are denied.
2. The following complaint items are denied
(any allegations not specifically denied will be deemed admitted).

3. All of the complaint items have been resolved.
4. The number of witnesses the Respondent will call to testify at the hearing: .
5. Petitioner was copied on this response.

If this matter is referred, Respondent will be represented by: (provide name and contact information)

Respondent's Signature _____ Date _____



ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)

Homeowners Association Dispute Resolution

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Douglas A. Ducey
Governor

Louis Dettorre
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Response Re: Case # [HO22 – 22050 (issue 2)]

- ___ 1. All of the complaint items in the Petition are denied.
- ___ 2. The following complaint items are denied
(any allegations not specifically denied will be deemed admitted).

- ___ 3. All of the complaint items have been resolved.
- ___ 4. The number of witnesses the Respondent will call to testify at the hearing: ___.
- ___ 5. Petitioner was copied on this response.

If this matter is referred, Respondent will be represented by: (provide name and contact information)

Respondent's Signature _____ Date _____



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Response Re: Case # [HO22 – 22050 (issue 3)]

1. All of the complaint items in the Petition are denied.
2. The following complaint items are denied
(any allegations not specifically denied will be deemed admitted).

3. All of the complaint items have been resolved.
4. The number of witnesses the Respondent will call to testify at the hearing: .
5. Petitioner was copied on this response.

If this matter is referred, Respondent will be represented by: (provide name and contact information)

Respondent's Signature _____ Date _____



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DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

HOMEOWNERS ASSOCIATION (HOA) DISPUTE PROCESS PETITION

LEGAL ACTION (Complete this section with the Attorney's information if the Petitioner is being represented on this matter.)

Does an attorney represent you in this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Has a lawsuit been filed regarding this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

INVOLVED PARTIES (An owner's petition (complaint) must be about a dispute between the owner and the association. An association's petition (complaint) must be about a dispute between the association and the owner.)

PETITIONER IS A (check one)	RESPONDENT IS A (check one)
<input checked="" type="checkbox"/> Homeowner	<input type="checkbox"/> Homeowner
<input type="checkbox"/> Condominium/Community Association	<input type="checkbox"/> Condominium/Community Association
<input type="checkbox"/> Planned Community Association	<input checked="" type="checkbox"/> Planned Community Association

RESPONDENT INFORMATION (Respondent may not be a management company but may be addressed in care of one.) The Respondent is the person or association against whom action or relief is sought, or who opposes the petition.

Homeowner (Last, First & M.I.) or Association Name: Desert Ranch Homeowners Association (c/o Associated Asset Management - AAM - Amanda Shaw)			
Address:	City:	State:	Zip Code:
1600 W. BROADWAY ROAD (SUITE 200)	TEMPE	AZ	85282
Best Phone Contact:		Email address: ashaw@associatedasset.com	

PETITIONER (YOUR NAME AND ADDRESS) The person or association completing this form is the Petitioner.

Homeowner (Last, First & M.I.) or Association Name: Tom Barrs			
Address:	City:	State:	Zip Code:
PO Box 14122	Scottsdale	AZ	85267
Best Phone Contact:		Email address: tbarrs360@gmail.com	

ADDRESS OF SUBJECT PROPERTY (If different than the Petitioner's mailing address)

Address:	City:	State:	Zip Code:
9227 E Preserve Way	Scottsdale	AZ	85262

COMPLAINT (DO NOT LEAVE THIS SECTION BLANK)

This complaint is a violation of: (Check box and provide the reference of the alleged violation/s. THIS MUST BE COMPLETED.)

Condominium Statutes (example. A.R.S. § 33-1243): _____

Planned Community Statutes (example. A.R.S. § 33-1809(A)(1)): **ARS 33-1804(A)**

Bylaws (Example: Article 4.1(a)): _____

CC&Rs (Example: Article 4, Sec. 4.1): _____

NUMBER OF ISSUES CLAIMED IN THIS PETITION

<input checked="" type="checkbox"/> 1 \$500
<input type="checkbox"/> 2 \$1,000
<input type="checkbox"/> 3 \$1,500
<input type="checkbox"/> 4 \$2,000



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Other than ordering Respondent to pay to the Petitioner the filing fee required by A.R.S § 32-2199.01, if the Petitioner prevails, Petitioner requests that the following relief be awarded regarding the act, omission, or condition described in this Petition.

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WITNESSES (Please list any witnesses below. If there are more witnesses please list in the narrative statement below.)

Name:			
Address:	City:	State:	Zip Code:
Phone:	Email address:		

ALLEGED VIOLATION DESCRIPTION - NARRATIVE STATEMENT

***Use the space below to provide a one sentence statement of the violation/s for each issue claimed. Include with the statement a description, the specific factual basis of, the nature of, and the date and time of the alleged violation/s. (If you require more room write "See Attached" below and attach the document with your submission of this Petition.)**

AAM on behalf of the Desert Ranch Homeowners Association is refusing to provide various records requested pursuant to ARS 33-1805. Records at issue were requested in April of 2021, November of 2021, and February of 2022.

Petitioner requests civil penalties for the blatant refusal to provide a record that should be provided by statute.



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ATTENTION RESPONDENT

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Response Re: Case # [HO22 – 22050 (issue 1)]

- X 1. All of the complaint items in the Petition are denied.
- 2. The following complaint items are denied
(any allegations not specifically denied will be deemed admitted).

- 3. All of the complaint items have been resolved.
- X 4. The number of witnesses the Respondent will call to testify at the hearing: 5 .
- 5. Petitioner was copied on this response.

If this matter is referred, Respondent will be represented by: (provide name and contact information)

B. Austin Baillio, Esq. from Maxwell & Morgan, P.C.

4854 E. Baseline Rd., Suite 104, Mesa, AZ 85206; 480-833-1001; abailio@hoalaw.biz

Respondent's Signature *Severid A. Marguerite* Date MAY 16, 2022



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Response Re: Case # [HO22 – 22050 (issue 2)]

- X 1. All of the complaint items in the Petition are denied.
- 2. The following complaint items are denied
(any allegations not specifically denied will be deemed admitted).

- 3. All of the complaint items have been resolved.
- X 4. The number of witnesses the Respondent will call to testify at the hearing: 5 .
- 5. Petitioner was copied on this response.

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B. Austin Baillio, Esq. from Maxwell & Morgan, P.C.

4854 E. Baseline Rd., Suite 104, Mesa, AZ 85206; 480-833-1001; abailio@hoalaw.biz

Respondent's Signature *Berard R. Morgan* Date MAY 16, 2022



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Response Re: Case # [HO22 – 22050 (issue 3)]

- X 1. All of the complaint items in the Petition are denied.
- 2. The following complaint items are denied
(any allegations not specifically denied will be deemed admitted).

- 3. All of the complaint items have been resolved.
- X 4. The number of witnesses the Respondent will call to testify at the hearing: 5 .
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B. Austin Baillio, Esq. from Maxwell & Morgan, P.C.

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Respondent's Signature *B. Austin Baillio* Date MAY 16, 2022



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

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DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

HOMEOWNERS ASSOCIATION (HOA) DISPUTE PROCESS PETITION

LEGAL ACTION (Complete this section with the Attorney's information if the Petitioner is being represented on this matter.)

Does an attorney represent you in this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Has a lawsuit been filed regarding this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

INVOLVED PARTIES (An owner's petition (complaint) must be about a dispute between the owner and the association. An association's petition (complaint) must be about a dispute between the association and the owner.)

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Address: PO Box 14122	City: Scottsdale	State: AZ	Zip Code: 85267
Best Phone Contact:		Email address: tbarrs360@gmail.com	

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Address: 9227 E Preserve Way	City: Scottsdale	State: AZ	Zip Code: 85262
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This complaint is a violation of: (Check box and provide the reference of the alleged violation/s. THIS MUST BE COMPLETED.) <input type="checkbox"/> Condominium Statutes (example. A.R.S. § 33-1243): _____ <input checked="" type="checkbox"/> Planned Community Statutes (example. A.R.S. § 33-1809(A)(1)): <u>ARS 33-1804(A)</u> <input type="checkbox"/> Bylaws (Example: Article 4.1(a)): _____ <input type="checkbox"/> CC&Rs (Example: Article 4, Sec. 4.1): _____

NUMBER OF ISSUES CLAIMED IN THIS PETITION

<input checked="" type="checkbox"/> 1 \$500 <input type="checkbox"/> 2 \$1,000 <input type="checkbox"/> 3 \$1,500 <input type="checkbox"/> 4 \$2,000



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WITNESSES (Please list any witnesses below. If there are more witnesses please list in the narrative statement below.)

Name:			
Address:	City:	State:	Zip Code:
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LOUIS DETTORRE
COMMISSIONER

HOMEOWNERS ASSOCIATION (HOA) DISPUTE PROCESS PETITION

LEGAL ACTION (Complete this section with the Attorney's information if the Petitioner is being represented on this matter.)

Does an attorney represent you in this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Has a lawsuit been filed regarding this matter? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Attorney Name:		Law Firm:	
Address:	Suite:	City:	State: Zip Code:
Office Phone:	Fax:	Email address:	

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<input type="checkbox"/> Condominium/Community Association	<input type="checkbox"/> Condominium/Community Association
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Address: PO Box 14122	City: Scottsdale	State: AZ	Zip Code: 85267
Best Phone Contact:		Email address: tbarrs360@gmail.com	

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Address: 9227 E Preserve Way	City: Scottsdale	State: AZ	Zip Code: 85262
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COMPLAINT (DO NOT LEAVE THIS SECTION BLANK)

This complaint is a violation of: (Check box and provide the reference of the alleged violation/s. THIS MUST BE COMPLETED.)	
<input type="checkbox"/> Condominium Statutes (example. A.R.S. § 33-1243):	_____
<input checked="" type="checkbox"/> Planned Community Statutes (example. A.R.S. § 33-1809(A)(1)): ARS 33-1804(A)	_____
<input type="checkbox"/> Bylaws (Example: Article 4.1(a)):	_____
<input type="checkbox"/> CC&Rs (Example: Article 4, Sec. 4.1):	_____

NUMBER OF ISSUES CLAIMED IN THIS PETITION

<input checked="" type="checkbox"/> 1 \$500
<input type="checkbox"/> 2 \$1,000
<input type="checkbox"/> 3 \$1,500
<input type="checkbox"/> 4 \$2,000



Arizona Department of Real Estate (ADRE)

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DOUGLAS A. DUCEY
GOVERNOR

LOUIS DETTORRE
COMMISSIONER

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WITNESSES (Please list any witnesses below. If there are more witnesses please list in the narrative statement below.)

Name:			
Address:	City:	State:	Zip Code:
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ALLEGED VIOLATION DESCRIPTION - NARRATIVE STATEMENT

***Use the space below to provide a one sentence statement of the violation/s for each issue claimed. Include with the statement a description, the specific factual basis of, the nature of, and the date and time of the alleged violation/s. (If you require more room write "See Attached" below and attach the document with your submission of this Petition.)**

Desert Ranch HOA forbids video and audio recording of meetings, yet:

1) The management company (AAM) responsible for recording the meetings has failed to provide complete/unedited recordings

ARS 33-1804(A) states in part: "...rules shall not preclude such ...videotaping by those attending, unless the board ...videotapes the meeting and makes the unedited ...videotapes available to members on request..."

Office of Administrative Hearings

Electronic submission for docket **22F-H2222054-REL**

Notice of hearing

To Administrative Law Judge

Filing date: **6/20/2022**

Filed by: **Lauren Abril**

Email address: **labril@azre.gov**

Telephone number: **602-771-7783**

Mailing address

**ARIZONA DEPARTMENT OF REAL ESTAE
100 N. 15TH AVE. STE 201
PHOENIX AZ 85007**

Pending hearing date: **7/25/2022**

Email notifications

**TBARRS360@GMAIL.COM
ABAILLIO@HOALAW.BIZ**

Other notifications

.

Submission and grounds

**Notice of Hearing for 22F-H2222050-REL and 22F-H2222054-REL
HOA Dispute Process Case**

Files submitted

**HO22050 & HO22054 - NOH - cert..pdf
22F-H2222054-REL Petition & Response.zip
22F-H2222050-REL - Petition & Response Docs.zip**



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 states that Respondent "has failed and/or is refusing to provide various
records requested pursuant to ARS 33-1805 (sic.)", and that Respondent "forbids video and
audio recording of meetings" in violation of A.R.S. § 33-1804(A).**

//

//

Office of Administrative Hearings

Electronic submission for docket **22F-H2222054-REL**
Motion to continue/postpone hearing
To Administrative Law Judge

Filing date: **6/29/2022**

Filed by: **Austin Baillio**

Email address: **abailio@hoalaw.biz**

Telephone number: **408-833-1001**

Mailing address

**4854 E. Baseline Rd., Suite 104
Mesa, AZ 85206**

Pending hearing date: **July 25**

Email notifications

(none)

Other notifications

Tom Barrs, via US Mail, P.O. Box 14122, Scottsdale, AZ 85267

Submission and grounds

The counsel for Respondent has a hearing in the California Superior Court the morning of the hearing on the petition. Also, the two witnesses that the Association plans to testify have pre-planned vacations during the time selected by the OAH for the hearing.

Files submitted

Request for Continuance 2022-06-20.docx



Office of Administrative Hearings

Electronic submission for docket **22F-H2222054-REL**

Subpoenas

To Administrative Law Judge

Filing date: **6/29/2022**

Filed by: **Austin Baillio**

Email address: **abaillio@hoalaw.biz**

Telephone number: **480-833-1001**

Mailing address

**4854 E. Baseline Rd., Suite 104
Mesa, AZ 85206**

Pending hearing date: **July 25, 2**

Email notifications

(none)

Other notifications

Once the subpoena is issued, we will have it served on the homeowner, Tom Barrs, at his address of 9227 E Preserve Way, Scottsdale, AZ 85262

Submission and grounds

Requesting a subpoena of records to clarify the homeowner's petition since there have been hundreds of documents requested and produced during the last several years.

Files submitted

subpoena duces tecum to Barrs.doc



1 **MAXWELL & MORGAN, P.C.**
2 PIERPONT COMMERCE CENTER
3 4854 EAST BASELINE ROAD, SUITE 104
4 MESA, ARIZONA 85206
5 TELEPHONE: (480) 833-1001
6 FAX: (480) 969-8267
7 EMAIL: MAIL@HOALAW.BIZ
8 FILE NO.: 23285

9 B. AUSTIN BAILLIO - STATE BAR NO. 032979
10 *Attorneys for Plaintiff*

11 **OFFICE OF ADMINISTRATIVE HEARINGS**

12 **STATE OF ARIZONA**

13 **1740 W. Adams St., Lower Level, Phoenix, Arizona 85007**

14 TOM BARRS,

15 Complainant,

16 vs.

17 DESERT RANCH HOMEOWNERS
18 ASSOCIATION,

19 Respondent.

20 FILE NO. HO22-22050 and HO22-22054

21 DOCKET NO. 22F-H222050-REL and
22 22F-H222054-REL

23 **REQUEST FOR CONTINUANCE OF
24 HEARING ON PETITION**

25 Respondent Desert Ranch Homeowners Association (the "Association"), by and
26 through undersigned counsel, hereby requests that the hearing scheduled to take place on July
27 25, 2022 at 9:00 a.m. be rescheduled to a later date that is convenient for the Court after
28 August 6, 2022.

One of the key witnesses the Association plans on calling to testify will be unavailable
beginning July 16, 2022 and ending on August 6, 2022. This witness has been heavily
involved with responding to the Barrs' legal demands and will be instrumental in providing a
defense for the Association.

For these reasons, the Association requests that the July 25, 2022 hearing in this matter
be rescheduled to accommodate the Association's witness, whose schedule had been booked

1 prior to the Court's issuance of the Notice of Hearing.

2 RESPECTFULLY SUBMITTED this 20th day of June, 2022.

3
4 MAXWELL & MORGAN, P.C.

5 By _____
6 B. Austin Baillio, Esq.
7 4854 E. Baseline Road, Suite 1034
8 Mesa, Arizona 85206
9 *Attorneys for Respondent*

10
11
12 **ORIGINAL** of the foregoing
13 filed this ____ day of
14 March, 2019, to:

14 Hon. Judge Jenna Clark
15 Arizona Office of Administrative Hearings
16 1740 W. Adams St., Lower Level
17 Phoenix, Arizona 85007

16 **COPIES** of the foregoing
17 mailed this ____ day of
18 June, 2022

18 Tom Barrs
19 P.O. Box 14122
20 Scottsdale, AZ 85267
21 *Petitioner*

22 _____

28

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

Caption:)	File No. HO22-22050 and HO22-22054
Tom Barrs,)	
	Petitioner) Docket No.: 22F-H222050-REL and 22F-
)	H222054-REL
Vs.)	
)	SUBPOENA (Duces Tecum)
Desert Ranch Homeowners Association,)	Under the Authority of
	Respondent) A.R.S. § 41-1092.07C

TO: Name: Tom Barrs

Address: P.O. Box 14122, Scottsdale, AZ 85267
9227 E Preserve Wy, Scottsdale, AZ 85262

You are commanded to ATTEND a hearing in this matter at the date, time and location listed below and to remain until excused.

Date:

Time:

Location:

You are commanded to PRODUCE documents or other tangible items for the above entitled matter, specifically (describe items):

- (1) Any and all records requests YOU sent to the Association or its agent, AAM, in April of 2021, November of 2021, and February of 2022, as alleged in the first petition;
- (2) Any and all records requests YOU sent to the Association or its agent, AAM, on October 21, 2021, December 7, 2021, November 7, 2021, January 19, 2022, February 28, 2022, and March 29, 2022, as alleged in the fourth petition;
- (3) Any and all evidence to support YOUR contention that the Association did not produce records YOU requested in any of the above-referenced records requests;
- (4) Any and all recordings of board meetings YOU obtained from the Association;
- (5) Any and all recordings of board meetings YOU created YOURSELF;
- (6) Any and all policies adopted by the Board of Directors confirming that it would be videotaping its board meetings;
- (7) Any and all policies adopted by the Board of Directors confirming that it would be audiotaping its board meetings;

- (8) Any and all policies adopted by the Board of Directors precluding members from audiotaping or videotaping the board meetings;
- (9) Any and all evidence to support YOUR contention that the Association failed to make available to YOU complete and/or unedited copies of the recordings of the board meetings; and
- (10) Any and all evidence to support YOUR contention that YOU are legally entitled to obtain a copy of a membership roster for the Association.

for the hearing listed above OR (if another date other than the hearing) then on or before

July 22, 2022 at (location): Maxwell & Morgan, P.C., 4854 E. Baseline Rd., Suite 104, Mesa, AZ 85206

The Office Of Administrative Hearings endeavors to ensure the accessibility of its hearings to all persons with disabilities. Should you need special accommodations, please contact the Office of Administrative Hearings at (602)-542-9826 at least three working days prior to the hearing.

DATED this _____ day of _____, 20_____ .

Administrative Law Judge

AT THE REQUEST OF: B. Austin Baillio, Esq. of Maxwell & Morgan, P.C., on behalf of Respondent