

1 **Final agency action regarding decision below:**

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3 **ALJFIN ALJ Decision final by statute**

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5 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

6
7 Tatum Highlands Community Association,
8 INC.

9 Petitioner,
10 vs.

11 Matthew P. Petrovic

12 Respondent.

No. 25F-H019-REL

**ADMINISTRATIVE LAW JUDGE
DECISION**

13 **HEARING:** April 15, 2025

14 **APPEARANCES:** Danny Ford, Esq. appeared on behalf of Tatum Highlands
15 Community Association, INC. (hereinafter "Petitioner"). Matthew P. Petrovic (hereinafter
16 "Respondent") appeared on behalf of himself.

17 **ADMINISTRATIVE LAW JUDGE:** Velva Moses-Thompson

18 **EXHIBITS ADMITTED INTO EVIDENCE:** Petitioner's Exhibits 1 through 8.
19 Respondent's Exhibits B4, B6, B7, B8, and C, pg. 4.

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21 **FINDINGS OF FACT**

22 1. On January 14, 2025, the Arizona Department of Real Estate issued a
23 Notice of Hearing setting the above-captioned matter for hearing on February 28, 2025
24 at the Office of Administrative Hearings in Phoenix, Arizona.¹

25 2. The Notice of Hearing provided that Petitioner alleges the following
26 violations in a petition received by the Department:
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¹ The hearing was continued to April 15, 2025.

- Article IV Section 4.2.1 of the Declaration of Covenants, Conditions, and Restrictions and Easement for Tatum Highlands by having a “non-complaint driveway extension.... Installed without obtaining necessary prior approval.”
- Article IV Section 4.2.4 of the Declaration of Covenants, Conditions, and Restrictions and Easement for Tatum Highlands by failing to remove “prohibited plants/palms... from the front yard landscape.”
- Article IV Section 4.2.7 of the Declaration of Covenants, Conditions, and Restrictions and Easement for Tatum Highlands by keeping “the exterior paint of the home.... In disrepair”

3. Petitioner’s Architectural Guidelines provide, in relevant part, as follows:²

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P. PAINT COLORS

All houses shall be painted with at least two colors and not be monochromatic in color. When repainting your house, you must choose from the approved paint schemes for the Tatum Highlands Community. No custom color schemes will be allowed.

Dunn-Edwards Corporation has hosted a website which has posted all the approved paint schemes. Their website (<http://www.dunnedwards.com>) allows homeowners to view the approved paint schemes. The approved paint schemes are also available from The Tatum Highlands Community’s Management Company web portal.

- Body of house must be flat or matte paint.
- Pop-outs can either be painted the designated pop-out color or the designated body color of the house. Flat or matte paint must be used for the pop-outs.

All front doors may be painted the designated paint scheme entry door color, the body color, or the trim color that is painted on the home. Flat, eggshell, or satin may be used for the front door.

² See Exhibit 7.

1 Stained front doors may be considered but must be submitted for approval
2 when submitting for approval to paint your house.

- 3 • Trim (facia boards/area) shall be painted the trim color. If the house
4 does not have a true soffit and facia board but a stucco trim pop-out
5 at the facia location, this stucco trim shall be painted the approved
6 trim color or the approved pop-out color, Flat or matte paint must be
7 used on the trim.
- 8 • Garage doors must be painted a color on the house, either the body
9 color, the trim color or the pop-out color. Flat, eggshell, or satin may
10 be used on the garage door.
- 11 • Complete and submit a Paint Submittal Form to the Committee for
12 review. The paint submittal form is available from The Tatum
13 Highlands Community's Management Company web portal. Please
14 allow up to 45 days for review by the Committee.
- 15 • Upon receipt of written approval from the Committee, painting may
16 commence.
- 17 • All work must be started within 90 days of the date of the approval
18 letter.
- 19 • Upon completing your painting project, the Architectural Review
20 Committee (ARC) may inspect to assure compliance to the requested
21 paint scheme.

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I. DRIVEWAYS, DRIVEWAY EXTENSIONS AND SIDEWALKS

Driveways must be maintained in good condition and free from stains, chips, or other defects. Replacement or repaired driveway materials must be of the same type as the original driveway. No additional driveways to double gates are allowed. Painting of paved surfaces is prohibited. As an alternative to traditional concrete slab construction, driveway pavers may also be professionally installed. Pavers must be of high-quality materials, e.g., concrete or permeable stone. Permitted colors are tan, beige, light brown, or similar earth-tones. Any and all repairs, updates, replacement, or improvement to driveways must be submitted in advance for Architectural Committee approval. All project applications must include a photo of the proposed pavers, as well as a full description of the product (i.e., color, size,

1 material, make and model) on the vendor/installer contract, estimate, or
2 work order.

3 CCR 4.2.4 Maintenance of Landscaping and Driveway extensions will be
4 reviewed for approval providing the following conditions are met:

- 5 • Extensions not to exceed two (2) feet (or to the edge of the garage
6 structure) in width shall be permitted on the interior and exterior
7 sides of the existing driveway.
- 8 • Submittals must include a plot plan with the following noted thereon:
9 (a) the location and dimensions of the proposed extension; (b) the
10 existing driveway dimensions; (c) the total linear feet of lot frontage;
11 (d) the material proposed for the driveway extension and (e)
12 photographs of
13 the entire area to be enhanced.
- 14 • The total parking area may not exceed thirty (30) feet of contiguous
15 frontage, the width of the garage, or fifty percent (50%) of the lot
16 width (existing plus extension) as measured at its widest point,
17 whichever is less.
- 18 • Driveway extension must be at least one (1) foot off the side lot line.

19 Sidewalks installed to utilize the side gates will be reviewed for approval and
20 must meet the following conditions:

- 21 1. The additional sidewalk is four (4) feet or less in width and is setback one
22 (1) foot or more from the property line and one (1) foot or more from the
23 house and/or driveway.
- 24 2. Such setback areas between the property line and the sidewalk and the
25 house and the sidewalk
26 must have groundcover installed to match the existing front yard ground
27 cover (e.g.,
28 decomposed granite, turf).
- 29 3. All sidewalks from the gate must attach to the top of the driveway and be
30 no wider than 4 feet.
4. Sidewalks running from the gate to the street are prohibited.

Additional sidewalks in any other location must be submitted for approval.

*** No gloss or semi-gloss paint shall be used on the exterior of the house.

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