

1 **ARIZONA DEPARTMENT OF REAL ESTATE**
2 **IN AND FOR THE STATE OF ARIZONA**

3 In the Matter of:

4 **Tatum Highlands Community**
5 **Association, INC,**

6 Petitioner

7 vs.

8 **Matthew Petrovic**

9 Respondent

File No.: 25F-H019

Docket No.: 25F-H019-REL

Order Granting Rehearing Request
(Assigned to ALJ Velva Moses – Thompson)

10 **FINDINGS OF FACT**

11 On or about **May 5, 2025**, the Office of Administrative Hearings (“OAH”) issued an
12 Administrative Law Judge (“ALJ”) Decision ordering “that Petitioner be deemed the prevailing
13 party in this matter.” Pursuant to Arizona Revised Statutes (“A.R.S.”) § 32-2199.04 and Arizona
14 Administrative Code R4-28-1310 a party may file a motion for rehearing or review with the
15 Commissioner (“Commissioner”) of the Arizona Department of Real Estate (“Department”).

16 As the aggrieved party, the Respondent filed a Dispute Rehearing Request with the
17 Commissioner on or about **June 9, 2025**. In the request for rehearing, the Respondent has cited
18 the following three (3) grounds for a rehearing:

- 19 1. Newly discovered material evidence that could not with reasonable diligence have
20 been discovered and produced at the original hearing.
- 21 2. Error in the admission or rejection of evidence or other errors of law occurring during
22 the proceeding.
- 23 3. That the findings of fact or decision is arbitrary, capricious, or an abuse of discretion.

24
25 The opposing party, Tatum Highlands Community Association, INC, filed a timely
26 response to the Dispute Rehearing Request on or about June 17, 2025.

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1 **ORDER**

2 The Commissioner of the Department hereby grants the Petitioner's request for rehearing
3 for the reason outlined in the Respondent's Rehearing Petition, which is:

- 4 1. Error in the admission or rejection of evidence or other errors of law occurring
5 during the proceeding.
6 2. That the findings of fact or decision is arbitrary, capricious, or an abuse of
7 discretion.

8 DATED this 3rd day of July, 2025.

9 *Mandy Neat*

10 _____
11 Mandy Neat
12 Deputy Commissioner
13 Arizona Department of Real Estate

14 **E-FILE** of the foregoing this
15 3 day of July 2025, to:

16 ALJ Velva Moses-Thompson
17 Office of Administrative Hearing

18 **COPY** mailed by First Class and
19 Certified Mail on the 3 day of
20 July, 2025, Return Receipts Requested to:

21 Danny Ford
22 Goodman Law Group
23 3654 N Power Rd, Ste 132
24 Mesa AZ 85215
25 Email: dmford@goodlaw.legal
26 Certified Mail Number: 9414 8098 9864 3571 6409 23
27 *Attorney for Petitioner*

28 Matthew P. Petrovic
29 26273 N 47th Place
30 Phoenix AZ 85050
31 Email: mpetrovic.fs@gmail.com
32 Certified Mail Number: 9414 8098 9864 3571 6410 98
33 *Respondent`*



Arizona Department of Real Estate (ADRE)

Homeowners Association Dispute Resolution

www.azre.gov

KATIE HOBBS
GOVERNOR

SUSAN NICOLSON
COMMISSIONER

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

HOMEOWNERS ASSOCIATION (HOA) DISPUTE REHEARING PETITION

The HOA Dispute Rehearing Petition is completed by a party to a hearing before the Office of Administrative Hearings who is aggrieved by a decision rendered in a case. This Petition Form must be filed within 30 days from receipt of the decision. Submit completed form and attachments to ADRE through the Department Message Center at <http://azre.gov/>; or mail to the above address Attention: HOA Coordinator.


Aggrieved Party Information

AGGRIEVED PARTY FULL NAME (Please Print):	PHONE NUMBER:	EMAIL:
DOCKET NUMBER (See ALJ Decision)	CASE NUMBER (See Notice of Petition)	

Please check the box or boxes to specify the particular grounds for rehearing request. Evidence to support any claim/s will be required for rehearing.

<ol style="list-style-type: none"> 1. <input type="checkbox"/> Irregularity in the proceedings or any order or abuse of discretion by the administrative law judge that deprived a party of a fair hearing. 2. <input type="checkbox"/> Misconduct by the Department, Administrative Law Judge or the prevailing party. 3. <input type="checkbox"/> Accident or surprise that could not have been prevented by ordinary prudence. 4. <input type="checkbox"/> Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing. 5. <input type="checkbox"/> Excessive or insufficient penalties. 6. <input type="checkbox"/> Error in the admission or rejection of evidence or other errors of law occurring during the proceeding. 7. <input type="checkbox"/> That the findings of fact or decision is arbitrary, capricious, or an abuse of discretion. 8. <input type="checkbox"/> That the findings of fact or decision is not supported by the evidence or is contrary to law.
--

Provide statement to substantiate the above claim/s and attach supporting documentation as needed.

X AGGRIEVED PARTY SIGNATURE: 	Date

Rehearing Petition is subject to Arizona Department of Real Estate Commissioner's approval.

Request for Rehearing

In the Matter of: Matthew Petrovic

Subject: Request for Rehearing Due to Procedural Irregularities, Insufficient Evidence, and False Testimony

I, Matthew Petrovic, respectfully submit this formal request for a rehearing based on the following grounds: (1) procedural irregularities, (2) insufficient and/or disregarded evidence, (3) false statements made under oath, and (4) a lack of adequate opportunity to prepare or obtain legal counsel.

1. Landscape Violation – Sago Palms

The original ruling incorrectly determined that Sago palms are prohibited in front yards. During the hearing, I submitted multiple sources of evidence demonstrating that Sago palms are permitted, including:

- Copies of the CC&Rs (Covenants, Conditions, and Restrictions)
- Documentation from the Arizona Municipal Water Users Association (AMWUA) indicating that Sago palms are not classified as palm trees and are, in fact, drought-tolerant and low water-use plants
- Witness testimony supporting the permissibility of these plants

Despite this evidence, the court failed to consider the factual basis provided. Moreover, the petitioner's witness, Kevin, gave false testimony under oath by stating Sago palms are not allowed, despite being presented with credible, contrary documentation. Since the hearing, I contacted AMWUA directly, which confirmed that Sago palms are not in the palm family. Additionally, a current board member has indicated willingness to testify that these plants are allowed under the governing documents. These facts directly contradict the hearing outcome and warrant reconsideration.

2. Paint Condition Dispute

The ruling that my home's paint is "in disrepair" was not supported by sufficient or credible evidence. At the hearing, three witnesses—including myself—testified that the paint is in good condition. Furthermore, the individual who testified against the condition of the paint is no longer a sitting board member and should not have had standing to make such a determination.

It is also important to note that **my home has never been repainted since I purchased it, and the exterior paint was reviewed and approved by the HOA board at the time of sale.** This approval indicates that the paint met the association's standards and was compliant with the CC&Rs at the time I acquired the property. The board's subsequent actions—first claiming the paint needed to be two colors and later shifting to a claim of disrepair—demonstrate inconsistent reasoning and raise serious concerns of selective enforcement and retaliation due to my opposition to prior board actions.

I have documentary evidence showing the reason for the alleged violation was changed over time, and the board has not submitted any objective proof, such as photographs or condition reports, to support its claim. Given the absence of concrete evidence and the presence of conflicting testimony, the judge's ruling on this matter should be reevaluated.

3. Paver Walkway Denial

Over the past three years, I have submitted multiple applications and communications requesting approval for a modified walkway. These modifications are medically necessary, as supported by a physician's letter referencing chronic back and shoulder conditions. Similar walkways have been approved for other homeowners, yet mine has been repeatedly denied without justification. This constitutes selective enforcement and may be viewed as discrimination and bad faith, both of which violate the community's CC&Rs.

The denial fails to consider medical necessity, consistency in enforcement, and the board's duty to act reasonably and impartially.

4. Procedural Concerns

Several key pieces of evidence were excluded from the hearing due to concerns about the privacy of third parties, despite their material relevance to my claims—particularly in demonstrating selective enforcement.

Additionally, I was not adequately informed of the nature of the hearing. I was led to believe the meeting was a mediation session intended to facilitate a resolution without formal adjudication. I was unaware that binding decisions could result, and due to financial hardship, I was unable to retain legal counsel or properly prepare my case. This significantly impaired my ability to present a full and fair defense and constitutes a denial of due process.

Conclusion

For all the reasons stated above—material misstatements under oath, inconsistent application of community rules, disregard of supporting evidence, and lack of due process—I respectfully request that this matter be reopened and a rehearing granted.

Respectfully submitted,
Matthew Petrovic

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Respectfully submitted,
Matthew Petrovic



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Mesa, Arizona 85215
(844) 346.6352
dmford@goodlaw.legal
Attorneys for Petitioner
By: Danny M. Ford, Esq. – Bar No. 034400

**IN THE OFFICE OF ADMINISTRATIVE HEARINGS -
ARIZONA DEPARTMENT OF REAL ESTATE**

Tatum Highlands Community Association,
Inc.,
Petitioner,
vs.
Matthew P. Petrovic,
Respondent.

No. 25F-H019-REL

**OBJECTION TO REHEARING
REQUEST**

Administrative Law Judge Velva Moses-
Thompson

On Monday May 5, 2025, both Petitioner Tatum Highlands Community Association, Inc. and Respondent Matthew P. Petrovic received notice of the Administrative Law Judge Decision dated May 5, 2025, regarding the hearing that took place on April 15, 2025. Directly above the date and signature of the assigned Administrative Law Judge Velva Moses-Thompson was a large block of bolded text that provided notice to both parties of the right to a rehearing. The text, in pertinent part, stated the following:

Pursuant to A.R.S. § 41-1092.09, a request for rehearing in this matter must be filed with the Commissioner of the Department of Real Estate within 30 days of the service of this Order upon the parties.

Indeed, A.R.S. § 41-1092.09 reiterates the same 30-day deadline to submit requests for a rehearing. As noted above, service of the Decision occurred on May 5, 2025. 30 days from

1 that date was June 4, 2025. The Notice of Rehearing Request dated June 12, 2025,
2 specifically notes that Respondent submitted his rehearing request on June 9, 2025, which
3 was five (5) days beyond the time permitted by Arizona statute. The date appearing next to
4 Respondent's signature on his Rehearing Petition is also June 9, 2025, so there is no
5 argument that he somehow submitted the requests days earlier, but it was not received for
6 nearly a week after. Nor can Respondent claim that because he was unrepresented, he was
7 unaware of the deadline; the deadline was plainly written on the very Decision from which
8 Respondent now requests a rehearing. As such, the request for rehearing must be denied and
9 dismissed as it was untimely filed and time barred.

10 For the foregoing reasons, Petitioner respectfully requests that the Administrative
11 Law Judge deny Respondent's request for rehearing as Respondent failed to comply with
12 the rule of law that was openly noticed to all parties.

13
14 DATED this 17th day of June, 2025.

15 GOODMAN LAW GROUP

16 /s/ *Danny M. Ford*

17
18 _____
19 Danny M. Ford, Esq.
20 *Attorney for Petitioner*

