

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2 Marilyn J. Fogelsong,
3 PETITIONER,

No. 25F-H050-REL-RHG

4 vs.

Minute Entry

5 Park Townhouses Homeowners
6 Association, Inc.
7 RESPONDENT.

8 The undersigned Administrative Law Judge, having reviewed the document
9 MOTION IN LIMINE filed by Petitioner January 17, 2026, makes the following minute entry:

10 (1) Standing is always an issue in HOA disputes. Petitioner's request that Respondent
11 be precluded from introducing evidence challenging her standing to bring forth the
12 current action is **denied**.

13 (2) The evidentiary standard is a preponderance of the evidence. See Ariz. Admin.
14 Code R2-19-119.¹ Petitioner's request that Respondent be precluded from arguing
15 the applicability of a lesser evidentiary standard in the case at bar, presumably
16 probable cause, is **granted**.

17 (3) Neither party has submitted a subpoena request in this matter under the authority
18 of Ariz. Admin. Code R2-19-113. As such, no individual is compelled to provide
19 testimony on behalf of either party. Petitioner's request that Mr. Levi Lazarus be
20 required to testify at the scheduled hearing is **granted**.

21 (4) Character is not at issue in an HOA dispute. Neither party shall be permitted to offer
22 character evidence regarding a party or witness. Petitioner's request that
23 "irrelevant and prejudicial attacks" be precluded at hearing is **granted**.

24 **IT IS SO ORDERED.**

25 Done this day, February 09, 2026.

26 **Office of Administrative Hearings**

27 /s/ Jenna Clark
28 Administrative Law Judge

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30 ¹ https://apps.azsos.gov/public_services/Title_02/2-19.pdf.

1 Transmitted by either mail, e-mail, or facsimile to:

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By: OAH Staff