

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

2
3 **ALJFIN ALJ Decision final by statute**

4
5 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

6
7 PATRICK RENNER,

8 Petitioner,

9 vs.

10
11 PONDEROSA TRAILS UNIT 8
12 COMMUNITY ASSOCIATION,

13 Respondent.

No. 08F-H088004-BFS

**ADMINISTRATIVE LAW JUDGE
DECISION**

14
15
16
17 **HEARING:** April 23, 2008.

18 **APPEARANCES:** Patrick Renner appeared personally. Ponderosa Trails Unit 8
19 Community Association was represented by its attorney, Kevin Minchey, Esq.

20 **ADMINISTRATIVE LAW JUDGE:** Brian Brendan Tully

21
22 Based upon the entire record in this matter, the Administrative Law Judge makes
23 the following Findings of Fact, Conclusions of Law and Order:

24
25 **FINDINGS OF FACT**

- 26
27 1. Patrick Renner ("Petitioner") is a member of the Ponderosa Trails Unit 8
28 Community Association, a homeowners association ("Respondent").
29 2. Petitioner filed a Petition against Respondent with the Arizona Department of
30 Fire, Building and Life Safety ("Department").

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

3. The Department forwarded Petitioner’s Petition in Case No. HO 08-8/004 to the Office of Administrative Hearings, an independent agency, for formal hearing.

- 1 4. At the commencement of the hearing, the parties announced to the
2 Administrative Law Judge that they had reached a settlement agreement, the
3 essential terms of which were read into the record.
- 4 5. The parties' settlement agreement provides, among other things, for the
5 following: Respondent shall reimburse Petitioner his filing fee paid to the
6 Department in Case No. HO 08-8/004; Respondent shall reimburse Petitioner the
7 witness fee and service fee for his subpoenaing Christine French to appear at the
8 hearing; Petitioner shall not be required to pay any attorney fees incurred by
9 Respondent in this matter; the parties agree to enter into binding arbitration;
10 Respondent's management company shall not be involved in the binding
11 arbitration; any breach of the settlement agreement may result in another Petition
12 being filed with the Department; and, the Petition in Case No. HO 08-8/004 shall
13 be dismissed.
- 14 6. The parties are found to have knowingly and voluntarily entered into the
15 settlement agreement.
- 16 7. The parties' settlement agreement is determined to be a fair and just resolution of
17 the parties' dispute.
18

19
20 **CONCLUSIONS OF LAW**
21

- 22 1. The Office of Administrative Hearings has the statutory authority to issue an
23 Order in Case No. HO 08-8/004.
- 24 2. The policy of the law favors parties entering into settlement agreements to
25 resolve their disputes.
26
27
28
29
30

1 **ORDER**

2
3 IT IS ORDERED that the Petition in Case No. HO 08-8/004/Docket No. 08F-
4 H088004-BFS be dismissed pursuant to the parties' settlement agreement.

5 Pursuant to A.R.S. § 41-2198.04(A), this Order is the final administrative decision
6 and it is not subject to a request for rehearing. This Order is enforceable through
7 contempt of court proceedings, pursuant to A.R.S. § 41.2198.02(B).

8
9 Done this day, April 29, 2008

10
11
12 _____
13 Brian Brendan Tully
14 Administrative Law Judge

15 Original transmitted by mail this
16 _____ day of _____, 2008, to:

17
18 Robert Barger, Director
19 Department of Fire Building and Life Safety - H/C
20 ATTN: Debra Blake
21 1110 W. Washington, Suite 100
22 Phoenix, AZ 85007

23 Patrick Renner
24 622 W. Cinnabar Trail
25 Flagstaff, AZ 86001

26 Kevin T. Minchey, Esq.
27 Meagher & Geer, PLLP
28 8800 N. Gainey Center Dr.
29 Suite 261
30 Scottsdale, AZ 85258

By _____