

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

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

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5 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

6
7 KARL RIEM,

8 Petitioner,

9 vs.

10 RANCHO ANTIGUA CONDOS,

11 Respondent.

No. 08F-H089009-BFS

**ORDER OF DEFAULT AND AWARD
OF FILING FEE**

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16 On October 31, 2008, the Director of the Department of Fire, Building and Life
17 Safety ("Department") entered a Notice of Default in the above-captioned matter based
18 upon Respondent's failure to submit to the Department a response to the Petition.

19 In the Petition that Petitioner submitted to the Department, Petitioner did not cite
20 any provision of A.R.S. Title 33, Chapters 9 or 16 or a provision of any planned
21 community or condominium document that was allegedly violated by Respondent.
22 Consequently, although A.R.S. § 41-2198.01(D) provides that in the event of a default,
23 the allegations in the Petition can be deemed admitted, under the circumstances,
24 Petitioner cannot be awarded any relief other than reimbursement of his filing fee.

25 **THEREFORE,**

26 **IT IS ORDERED** that Respondent is in default and Petitioner is the prevailing
27 party in this matter; and

28 **IT IS FURTHER ORDERED** that within forty days of the date of this Order
29 Respondent shall reimburse Petitioner his \$550.00 filing fee.

30 Done this day, December 19, 2008

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

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Lewis D. Kowal
Administrative Law Judge

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

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

Karl Riem
8787 East Mountain View Road
Unit 2008
Scottsdale, AZ 85258

Rancho Antigua Condos
c/o Cuellar Realty Services
1625 East Northern Ave., Suite 200
Phoenix, AZ 85020

By _____

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