



1 The powers and duties of administrative agencies such as the Office of  
2 Administrative Hearings are limited to those granted by statute and do not have any  
3 common law or inherent powers. *Ayala v. Hill*, 136 Ariz. 88, 664 P. 2d 238 (App. 1983).  
4 The Office of Administrative Hearings has limited jurisdiction in cases such as the  
5 instant one and can only determine whether the Association violated provisions of the  
6 planned community documents, i.e. Articles of Incorporation, Bylaws, Covenants  
7 Conditions and Restrictions or has violated A.R.S. Title 33, Chapter 9 or 16. See A.R.S.  
8 §§ 41-2198 and 41-2198.01(B).

9 Upon review of the documents that the parties filed with the Department of Fire,  
10 Building and Life Safety and consideration given to the information and arguments  
11 presented by the parties at the pre-hearing conference, the Administrative Law Judge  
12 concludes that Petitioner's single issue does not give rise to a cause of action as none  
13 of the By-Law provisions that Petitioner relied upon during oral argument and those  
14 raised in the Petition either restrict or prohibit a second vote by Respondent's  
15 membership to amend the By-Laws. Consequently, because Respondent could not  
16 have violated any provision of Respondent's By-Laws that Petitioner based his  
17 complaint upon, there is no violation nor any basis for Petitioner's complaint.

18 Based on the above,

19 **IT IS ORDERED** granting Respondent's Request to Dismiss Petition and  
20 vacating this matter from the docket of the Office of Administrative Hearings. Pursuant  
21 to A.R.S. § 41.2198.04(A), this Order is the final administrative decision and it is not  
22 subject to a request for rehearing.

23 Done this day, January 29, 2009.

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28 Lewis D. Kowal  
29 Administrative Law Judge  
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Copy mailed this \_\_\_\_ day of \_\_\_\_\_, 2009 to:

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Department of Fire Building and Life Safety - H/C  
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By \_\_\_\_\_