

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 Michael J Stoltenberg
4 Petitioner,
5 vs.
6 Rancho Del Oro Homeowners Association,
7 Respondent

No. 20F-H2019005-REL

**ADMINISTRATIVE LAW JUDGE
DECISION**

8 **HEARING:** October 30, 2019

9 **APPEARANCES:** Petitioner Michael J. Stoltenberg appeared on his own behalf.
10 Respondent Rancho Del Oro Homeowners Association was represented by Nicole Payne.

11 **ADMINISTRATIVE LAW JUDGE:** Tammy L. Eigenheer

12 Petitioner filed the instant petition asserting that Respondent had failed to comply
13 with the decision in a prior proceeding before the Office of Administrative Hearings in
14 which the Administrative Law Judge concluded that Respondent was required to
15 provide landscaping maintenance.

16 Petitioner acknowledged that in 2013, he notified Respondent that it was not
17 allowed to enter his property. Following the prior ruling, Petitioner provided Respondent
18 notice in April 2019 that he expected it to start maintaining his property in January 2020.

19 At the time of the hearing, Petitioner acknowledged that Respondent did not have
20 his permission to enter his property and would not be allowed to start providing
21 maintenance until January 2020.

22 Given Petitioner's admission that Respondent was not allowed to enter his
23 property at the time he filed the instant petition, Petitioner's allegation that Respondent
24 was in violation of the governing documents was not ripe for determination by this
25 tribunal. Accordingly,

26 **IT IS ORDERED** that Petitioner's petition is dismissed.

27 **NOTICE**

28 **Pursuant to A.R.S. §32-2199.02(B), this Order is binding on the**
29 **parties unless a rehearing is granted pursuant to A.R.S. § 32-**
30 **2199.04. Pursuant to A.R.S. § 41-1092.09, a request for rehearing in**

