

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2 Jeremy R. Whittaker,
3 PETITIONER,

No. 25F-H026-REL

4 vs.

ORDER

5 Val Vista Lakes Community Association,
6 RESPONDENT.

7
8 On January 08, 2025, the Arizona Department of Real Estate (“Department”)
9 issued a NOTICE OF HEARING in the above-captioned matter that set an administrative
10 hearing before the Arizona Office of Administrative Hearings (“OAH”) at 1:00 p.m. on
11 February 20, 2025, to address Respondent’s alleged violations of ARIZ. REV. STAT. § 33-
12 1805(A), Bylaws – Article IV sec. 3, Bylaws – Article IX , CC&Rs Article VII, sec. 4(b), and an
13 unidentified section of the CC&Rs.¹

14 On January 13, 2025, OAH received a STIPULATION TO CONTINUE HEARING
15 SCHEDULED FOR FEBRUARY 20, 2025 AT 1:00 PM from the parties.

16 On January 14, 2025, OAH issued a MINUTE ENTRY – GRANTING CONTINUANCE of the
17 matter which vacated the aforementioned hearing date and scheduled a Status Update for
18 March 14, 2025.

19 On February 18, 2025, OAH received twelve (12) subpoena requests from
20 Petitioner. In light of the foregoing,

21 **IT IS ORDERED** that all 12 of Petitioner’s subpoena requests are **denied**, as unripe.
22 Because there is no pending hearing date in this matter Petitioner’s motion amounts to an
23 improper and impermissible request for discovery.

24 **IT IS FURTHER ORDERED** that a Status Update remains due in this matter by
25 March 14, 2025.²

26 Done this day, February 19, 2025.

27
28 ¹ Notably, the underlying petition includes alleged violations of ARIZ. REV. STAT. §§ 10-11601(A) and 10-
29 3830(A). Because the Department does not have the authority to take any action or effectuate state policing
30 powers under these statutes, OAH thusly lacks jurisdiction to hear arguments of any kind relating to any
alleged violations of these statutes pursuant to ARIZ. REV. STAT. § 41-1092 *et seq.*

² See *attached*. Should the parties be unable to resolve their dispute, they are welcome to request a
Telephonic Prehearing Conference to clarify the issues in the underlying matter prior to hearing.

Office of Administrative Hearings

/s/ Jenna Clark
Administrative Law Judge

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

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By: OAH Staff

³ Please submit a NOTICE OF APPEARANCE to the Office of Administrative Hearings upon receipt of this Order.