

1 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

2
3 Michael J. Schmidt,
4 Petitioner,

No. 25F-H044-REL

5 v.
6 Starpass Master Homeowner Association,
7 Inc.,
8 Respondent.

Order

9 **SECOND PETITION**

10 To add issues to the hearing, an Amended Notice of Hearing or an order by the
11 Arizona Department of Real Estate is required. Having reviewed the documents
12 provided by Petitioner regarding the second petition, no such document has been
13 provided. The Arizona Office of Administrative Hearings does not have jurisdiction over
14 issues unless the Arizona Department of Real Estate authorizes jurisdiction.

15 If the amendment or consolidation is timely, all issues will be addressed at the
16 hearing scheduled for January 6, 2026. If the amendment or consolidation is not timely,
17 either the January 6, 2026, hearing will proceed with the single issue or the hearing may
18 be rescheduled to allow all issues to be addressed together.

19 **SUBPOENA**

20 The subpoena is denied. Upon reviewing the subpoena and Respondent's
21 filings, the requested information is not relevant. Furthermore, Southwest Value
22 Partners (SWVP) is not a party to this proceeding. SWVP has not entered any
23 evidence in the record, and SWVP will not be given the opportunity to present evidence.
24 The Amicus Brief filed by SWVP is not evidence. The Amicus Brief holds the limited
25 value of input from a person who is interested in the outcome of this matter.
26 Respondent's position that SWVP has a monetary interest in addition to a legal interest
27 is noted. However, the issue for hearing is limited to that stated in the Notice of
28 Hearing, and this venue will not be used for discovery in issues not relevant to those
29 before the Tribunal.

30 Done this day, December 3, 2025.

/s/ Samuel Fox

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

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By: OAH Staff