

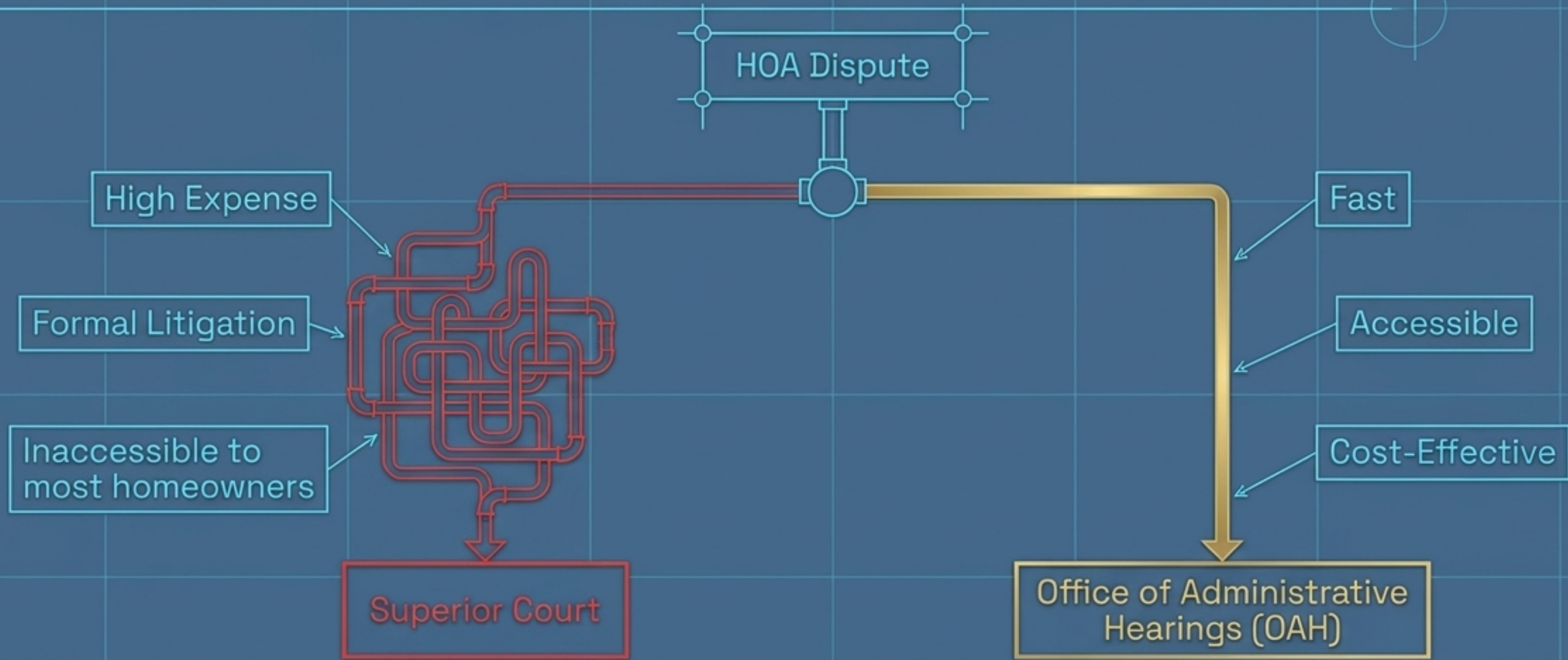
The background of the slide is a dark blue grid with a technical drawing overlay. The drawing consists of various lines, circles, and rectangles in light blue and white, resembling a blueprint or architectural plan. The lines are thin and precise, creating a complex geometric pattern.

The Jurisdictional Trap

When Administrative Efficiency Collides with
the Arizona Constitution

CASE STUDY:
WHITMER v. HILTON CASITAS HOA
[CV2016-055080]

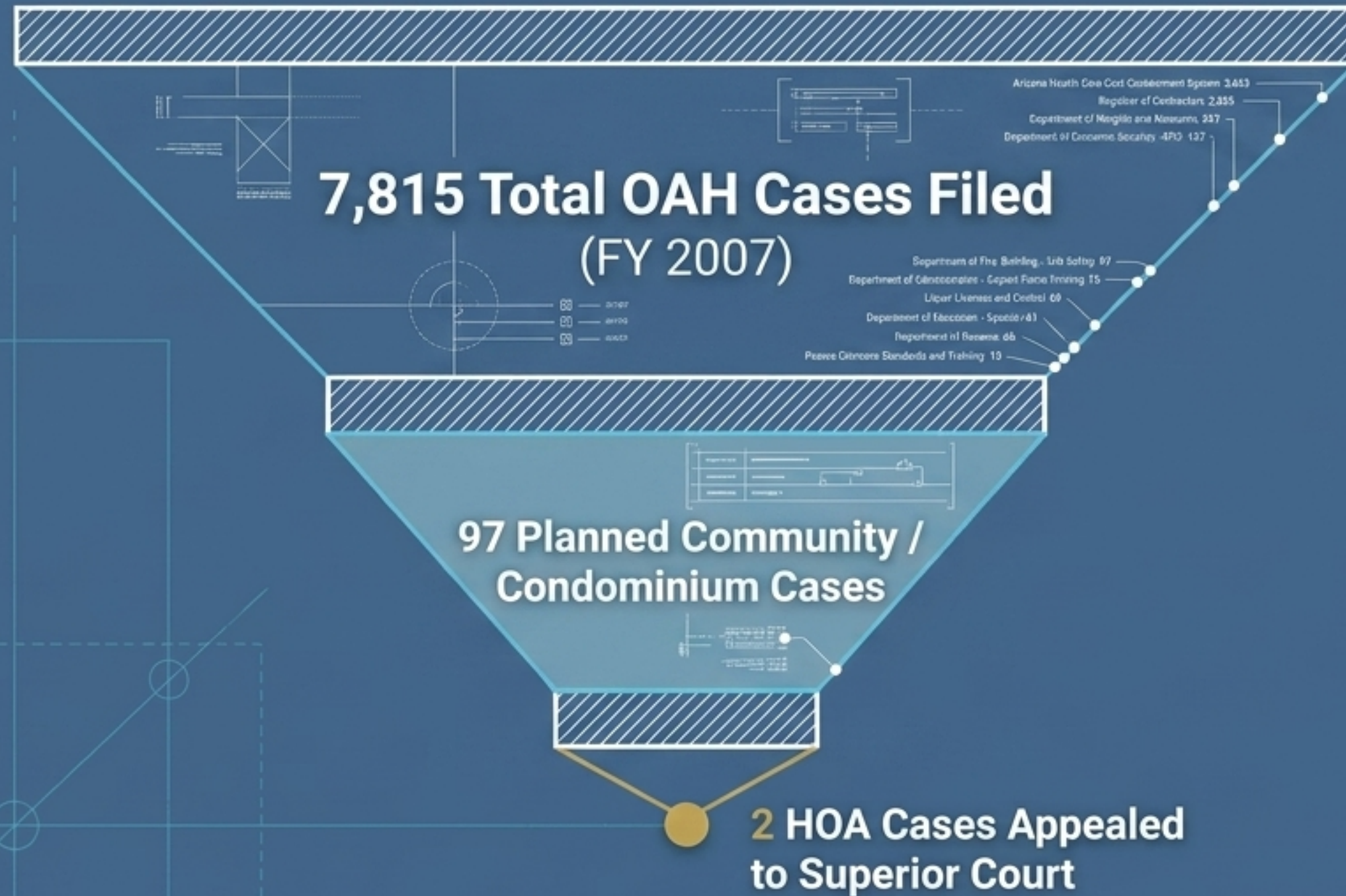
The Blueprint for Accessible Justice



Structural Specification

“...frequently subjected to inconsistent, unreasonable and often unlawful enforcement... owners are often unable to afford the cost of formally litigating their disputes in the superior court.”

A System Functioning at Scale



The OAH successfully manages thousands of cases annually. Post-hearing jurisdictional conflicts represent a microscopic, but critical, structural anomaly.

The Structural Limits of Administrative Power

Office of Administrative Hearings

Executive Branch

Low / Administrative

Limited strictly by statute

NONE

Superior Court

Judicial Branch

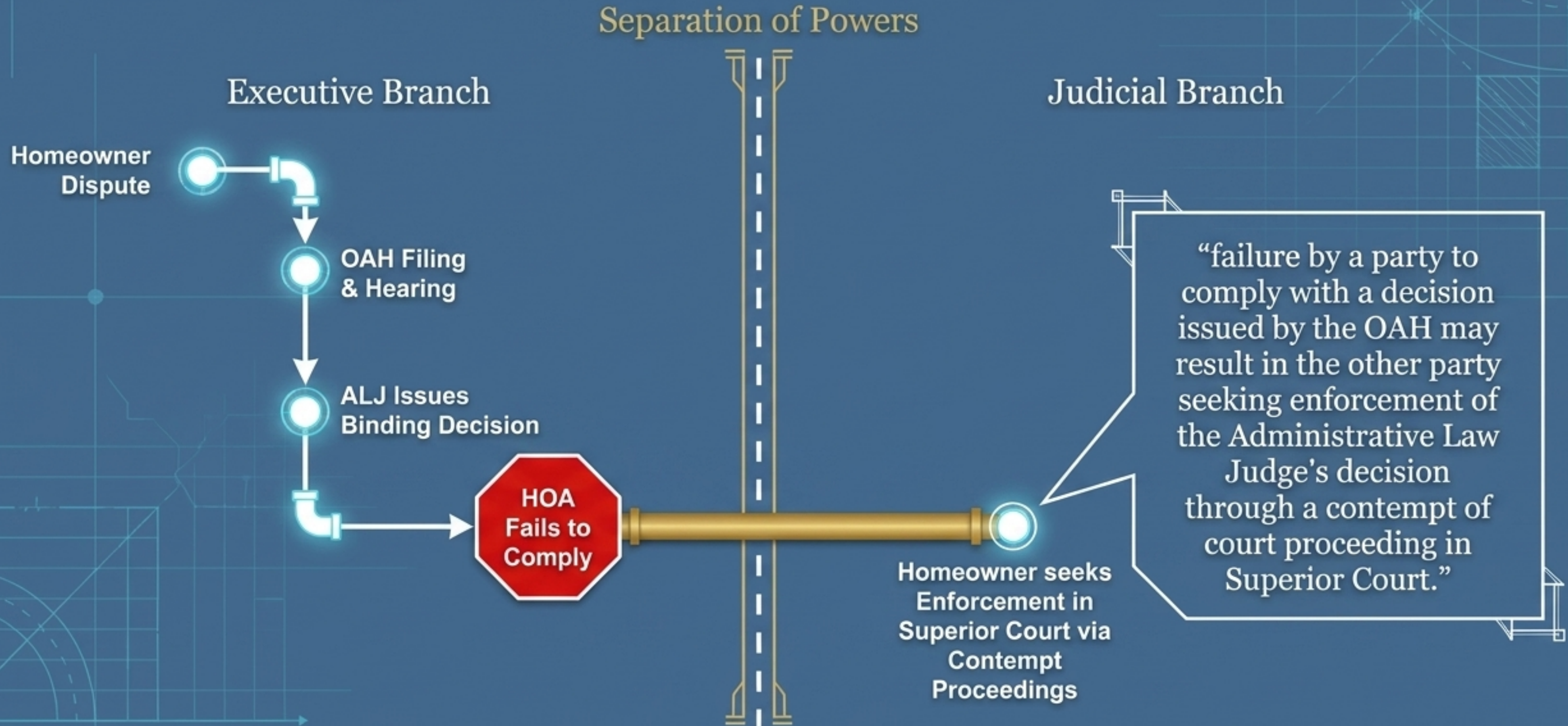
High / Formal Trial

General and original jurisdiction

EXCLUSIVE POWER

An Administrative Law Judge (ALJ) can order an HOA to comply with the law, but lacks the judicial authority to punish non-compliance.

The Intended Path of Enforcement



Whitmer v. Hilton Casitas HOA: Entering the System

Case Brief



The Victory

September 2014: Whitmer secures Administrative Law Decision 14F-H1415004-BFS against Hilton Casitas HOA.



The Non-Compliance

The HOA fails to comply with the executive branch order.



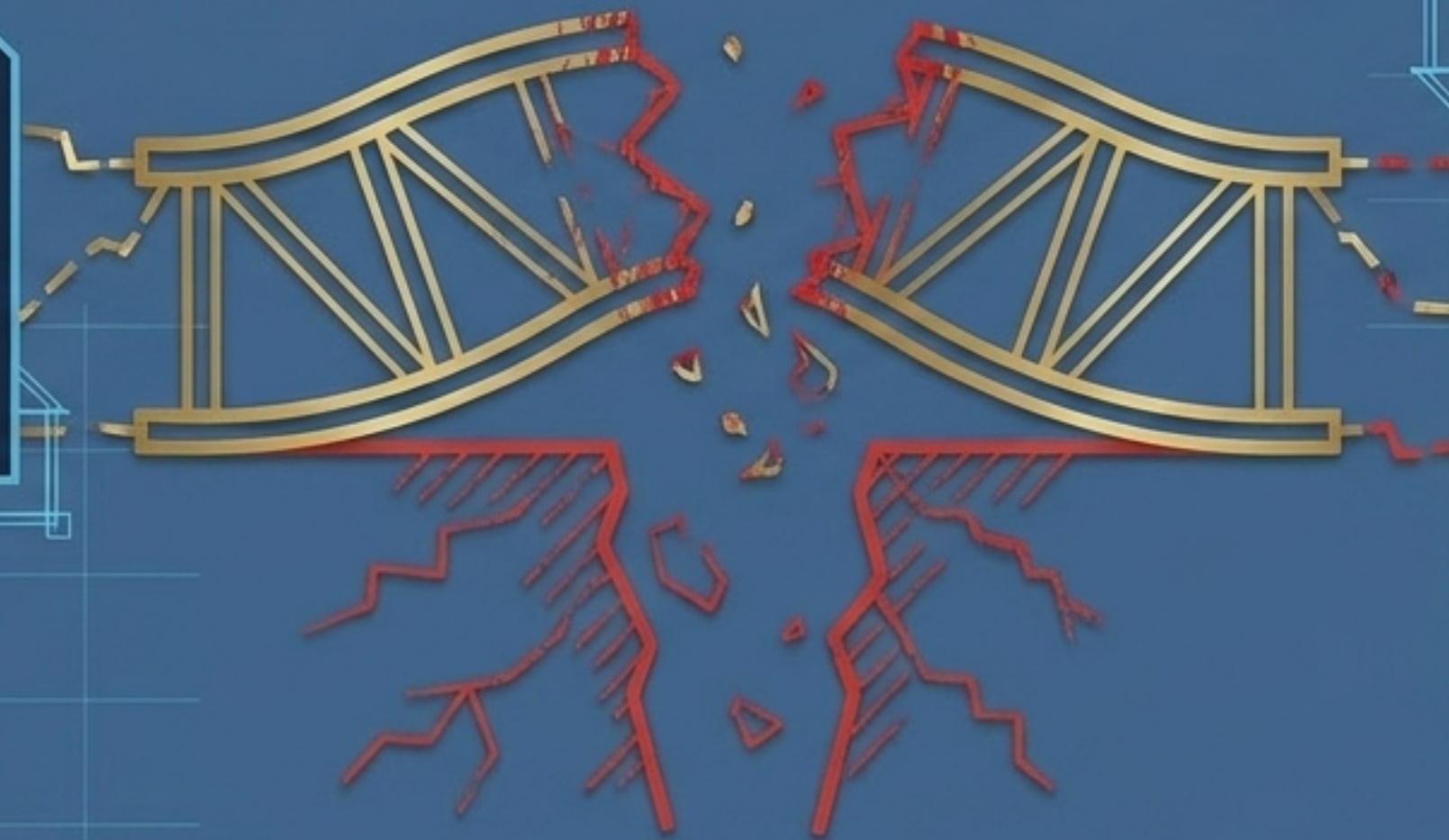
Following Instructions

Whitmer files a complaint in Superior Court (CV2016-055080), explicitly following the OAH's published 2007 guidelines to seek enforcement through contempt.

The Bridge Collapses: Dismissal and Penalty

The Ruling

The Superior Court dismisses Whitmer's petition for lack of jurisdiction.

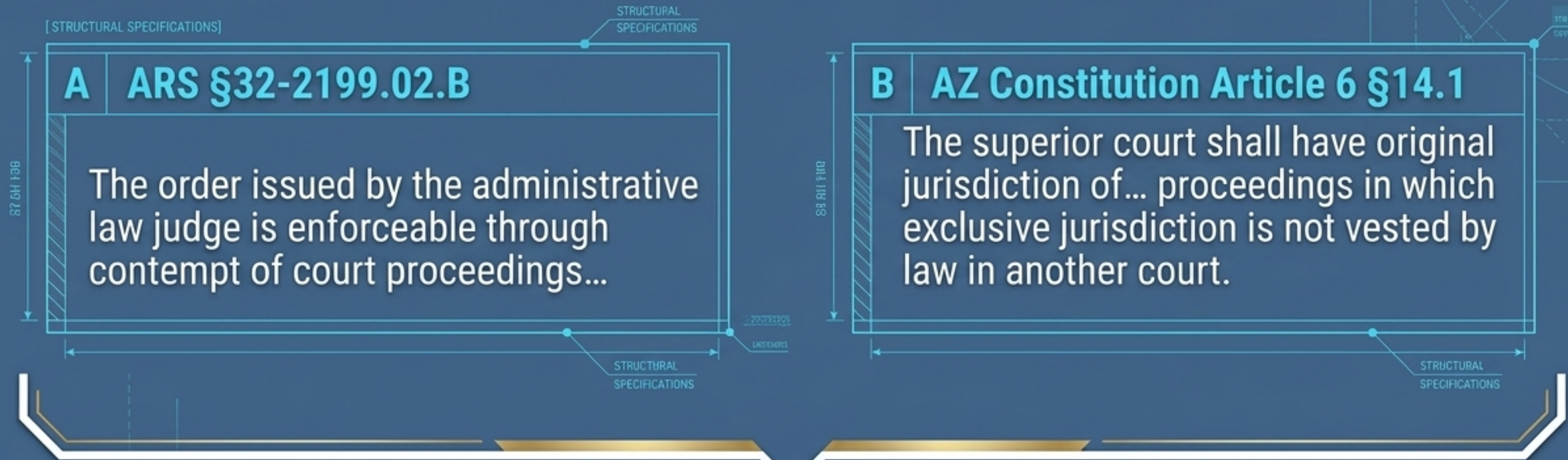


The Penalty

Despite following state-published administrative guidelines, Whitmer is penalized. The court awards attorney fees to the non-compliant HOA.

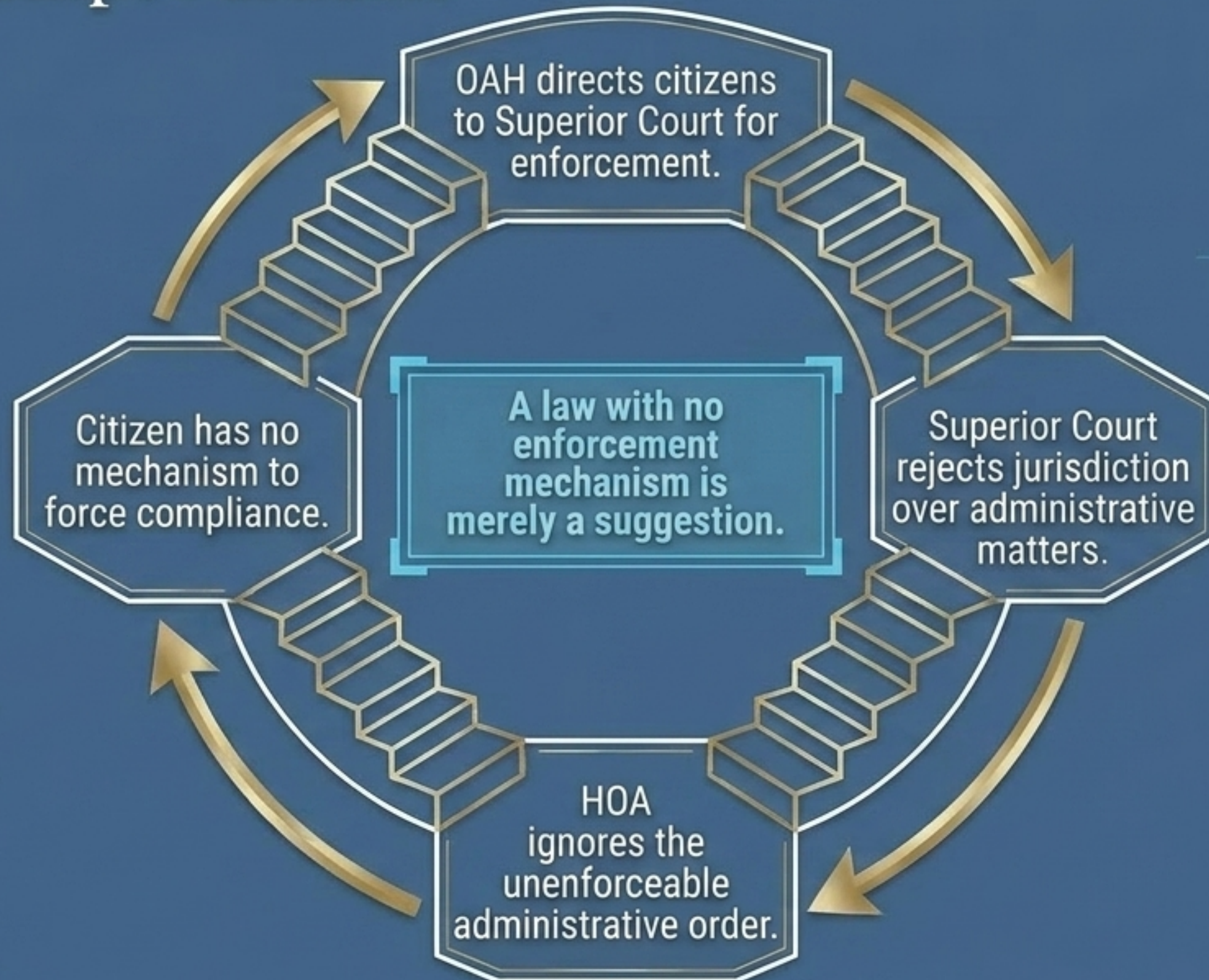
A system designed to save homeowners money just trapped one in a costly jurisdictional void.

Deconstructing the Trap: The Motion to Vacate



Since the Legislature granted ALJs NO contempt powers, and orders must be enforced by contempt, the Superior Court MUST have exclusive jurisdiction.

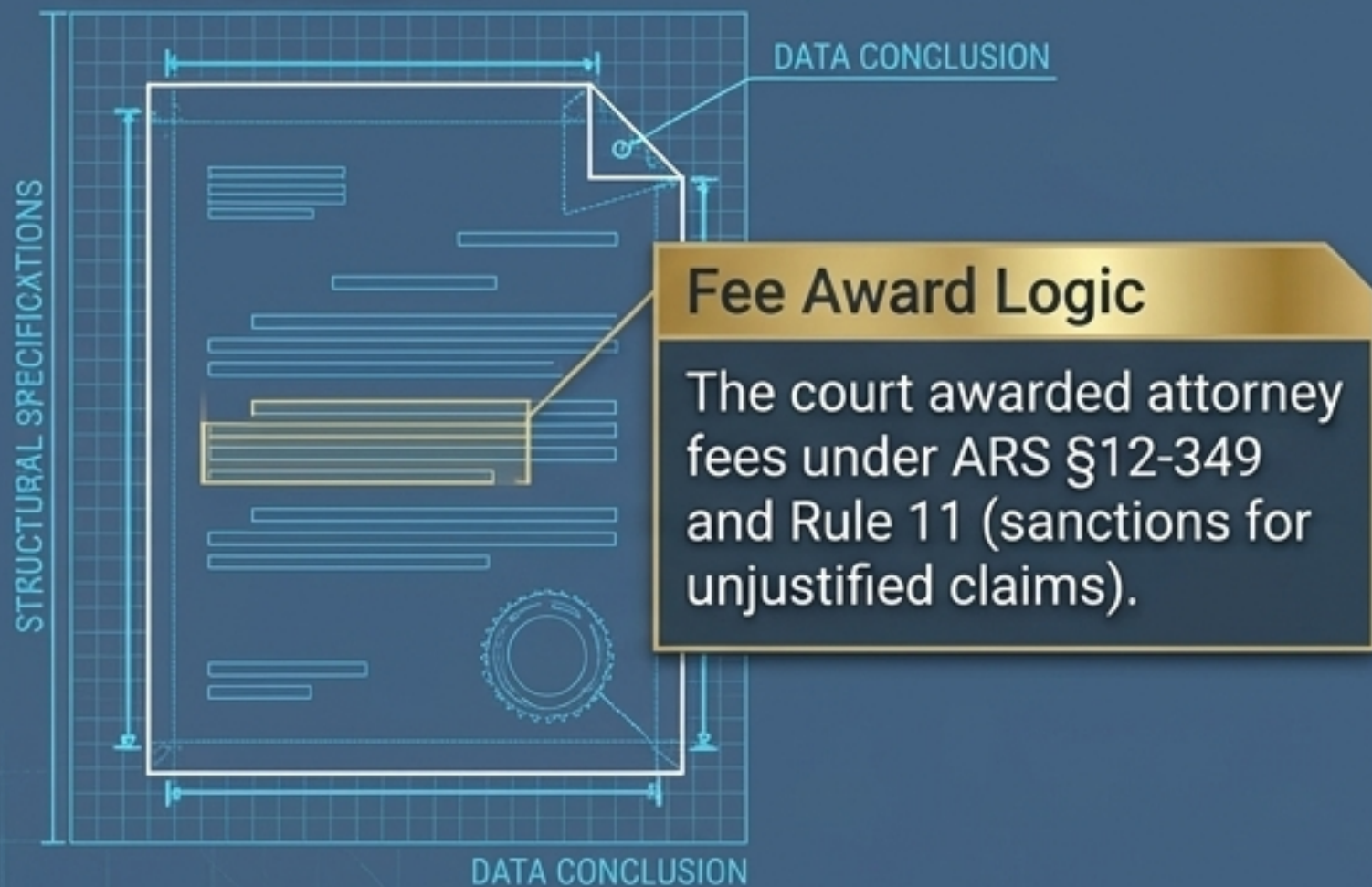
The Contempt Paradox



SMA 8501
5507409

Adding Insult to Injury: The Unjustified Sanction

The Context



The Deconstruction

Code Violation	
<input checked="" type="checkbox"/>	Action does not arise from a contract (Required by ARS §12-341).
<input checked="" type="checkbox"/>	Claim was not brought for delay or harassment.
<input checked="" type="checkbox"/>	Citizen strictly followed published OAH instructions.

The table is labeled "CODE COMPLIANCE CHECK" on the right and "JUDICIAL OVERREACH" at the bottom right.

Sanctioning a citizen for following the Executive Branch's prescribed enforcement path violates foundational principles of justice.

The Final Judgment: July 24, 2017

Judgment

Motion to Vacate Judgment
and Grant New Trial: DENIED.

Attorney Fees: \$4,775.00

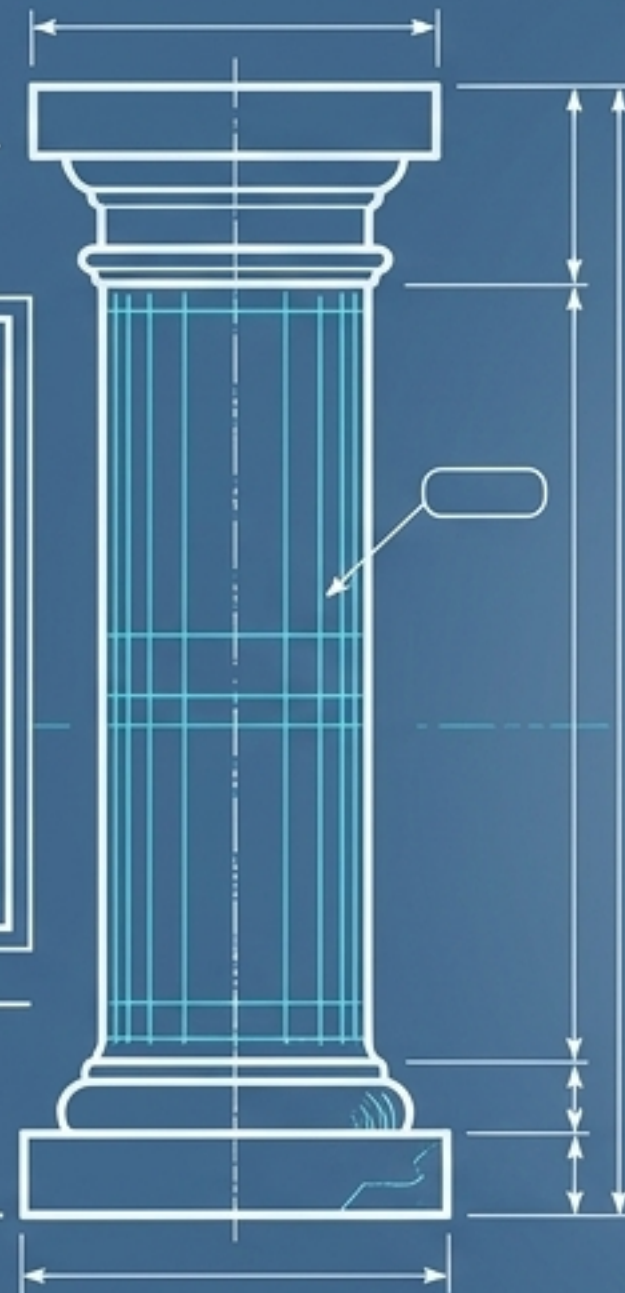
Costs of Suit: \$33.50

The administrative route, explicitly created to spare homeowners the crushing expense of litigation, ultimately cost Whitmer thousands in fees simply for attempting to enforce his valid ruling.

The Systemic Architecture is Flawed

The Intent

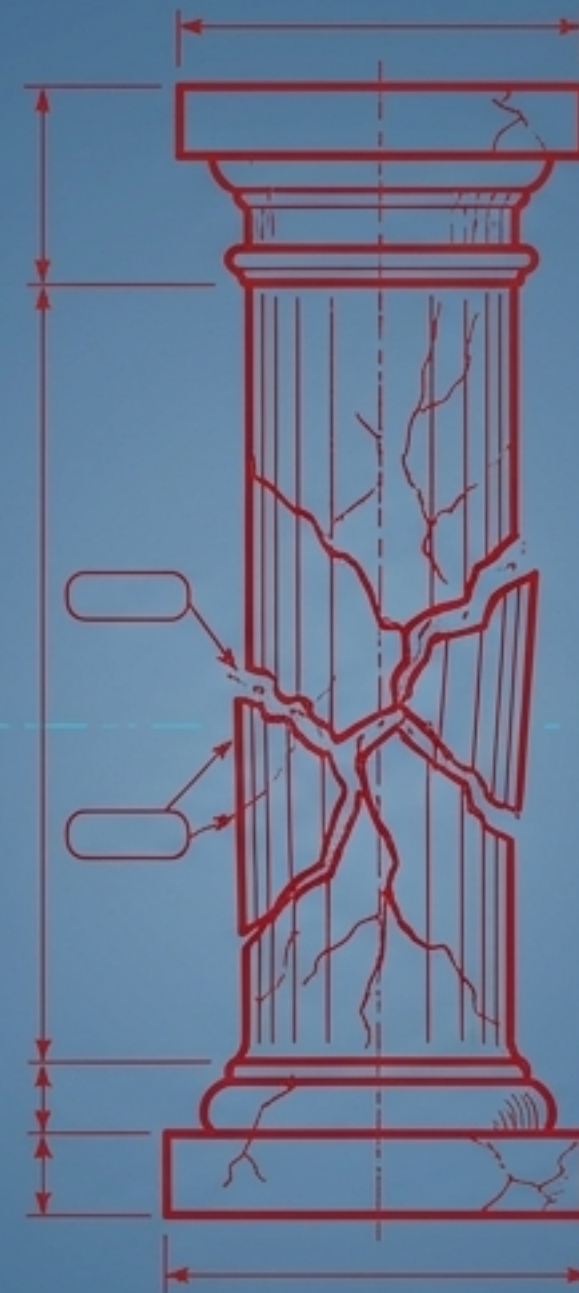
The 2006 Legislation successfully bypassed the Superior Court for the hearing phase, offering swift adjudications.



FOUNDATION PILLAR A

The Reality

But by failing to grant ALJs contempt authority, the Legislature inadvertently forced homeowners back into Superior Court for enforcement—this time with muddled jurisdictional standing and severe financial risk.



FOUNDATION PILLAR B
(CRITICAL FAILURE)

Until the enforcement bridge is codified in statute, Arizona homeowners navigating HOA disputes remain vulnerable to this architectural legal trap.