

# PREHEARING DISCLOSURE STATEMENT

## INSTRUCTIONS

**\*\*\*DO NOT SUBMIT THESE INSTRUCTIONS WITH THE PREHEARING DISCLOSURE FORM\*\*\***

### ADMINISTRATIVE RULES

A copy of the Arizona Administrative Code's Rules for the Registrar of Contractors can be located on the Registrar's [Website](#).

### PREHEARING DISCLOSURE REQUIREMENT

Under A.A.C. R4-9-118(A), before a hearing, the parties must prepare a disclosure statement. The disclosure statement must contain:

- A list of all the witnesses the party will call to testify, including the witnesses' contact information and a brief description of the subject matter of the witnesses' expected testimony; and
- A list of all the exhibits that the party will use at the hearing.

### FILE PREHEARING DISCLOSURE STATEMENTS

- The Prehearing Disclosure Statements and Exhibits may be submitted to the Arizona Office of Administrative Hearings using any of the following:
  - Electronically: <https://portal.azoah.com/submission/>
  - In-Person or by Mail: 1740 West Adams Street, Lower Level, Phoenix, Arizona 85007

### EXCHANGING DISCLOSURE STATEMENTS AND EXHIBITS

Under A.A.C. R4-9-118(B) (effective November 5, 2017), a party to the hearing must serve on every other party and file with the Office of Administrative Hearings a copy of:

- The disclosure statement; and,
- Any exhibit that the party will use at the hearing.

**Service:** The disclosure statement and exhibits must be served on all parties in accordance with [Arizona Administrative Code R2-19-108 Filing Documents](#). Under A.A.C. R2-19-108, service is completed by:

- Personal delivery;
- 1<sup>st</sup> class, certified or express mail; or
- Facsimile.

**Timing:** The disclosure statement and the exhibits must be served and filed not less than seven calendar days before the date of the hearing. Under A.A.C. R2-19-108, a document is served on a party:

- On the date it is personally served;
- Five days after it is mailed by express or 1<sup>st</sup> class mail;
- On the date of the return receipt if it is mailed by certified mail; or
- On the date indicated on the facsimile transmission.

### CONSEQUENCES FOR FAILING TO DISCLOSE

Under A.A.C. R4-9-108(C), if a witness or an exhibit is not timely disclosed as required the rules, and good cause for the failure to disclose is not shown, then the administrative law judge may:

- Order that certain witnesses or exhibits not be used at the hearing;
- Order that a particular fact is or is not established for the record; or,
- Order that a charge, a defense, a claim, or some portion thereof, be dismissed.

**PART 1: WITNESS LIST**

**DOCKET NO.** \_\_\_\_\_

*Under A.A.C. R4-9-118(A), before a hearing, a party must prepare a disclosure statement containing a list of all the witnesses the party will call to testify, including the witnesses' contact information and a brief description of the subject matter of the witnesses' expected testimony.*

*If you need additional space to list all witnesses, complete and attach additional Witness Lists.*

**Example**

1. Name <i>John Doe</i>	2. Telephone Number <i>(123) 456-7890</i>	3. Email Address <i>JohnDoe@Gmail.com</i>
4. Subject Matter of Expected Testimony <i>John Doe will testify regarding the poor workmanship and poor installation of the Garage Door. Mr. Doe will also testify regarding the invoices and change orders for the project.</i>		

**Witness**

1. Name	2. Telephone Number	3. Email Address
4. Subject Matter of Expected Testimony		

**Witness**

1. Name	2. Telephone Number	3. Email Address
4. Subject Matter of Expected Testimony		

**Witness**

1. Name	2. Telephone Number	3. Email Address
4. Subject Matter of Expected Testimony		

**Witness**

1. Name	2. Telephone Number	3. Email Address
4. Subject Matter of Expected Testimony		

# PART 2: EXHIBIT LIST

DOCKET No. \_\_\_\_\_

*Under A.A.C. R4-9-118(A), before a hearing, a party must prepare a disclosure statement containing a list of all the exhibits that the party will use at the hearing.*

**Note:** *All exhibits listed below must be provided to all parties to the hearing. See A.A.C. R4-9-118(B).*

*If you need additional space to list all witnesses, complete and attach additional Exhibit Lists.*

Example	
1	Contract for new garage door.
2	Invoice #10001 – Cost for garage door replacement.

Exhibit	Exhibit Name

## PART 3: ACKNOWLEDGEMENT & SIGNATURE

*I certify that the above information is true and correct and that I will serve a copy of this disclosure statement and any exhibits listed in Part 2 to all parties to the hearing in accordance with A.A.C. R4-9-118.*

*I acknowledge and understand that if I fail to properly disclose a witness or exhibit, the administrative law judge may:*

- Order that certain witnesses or exhibits not be used at the hearing;*
- Order that a particular fact is or is not established for the record; or,*
- Order that a charge, a defense, a claim, or some portion thereof, be dismissed.*

I am the (check one):     Complainant     Respondent    Docket No. \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date