



# ARIZONA REGISTRAR OF CONTRACTORS



*Douglas A. Ducey, Governor*

*Jeff Fleetham, Director*

## PREHEARING DISCLOSURE STATEMENT

### 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.

### 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.

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

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**PART I: WITNESS LIST**

*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

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

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date