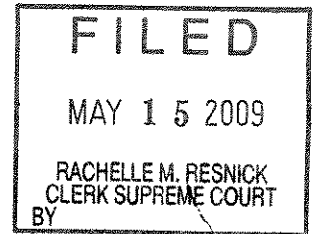


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6770 W State Route 89A, # 154
Sedona, AZ 86336-9503



May 10, 2009

The Clerk of the Arizona Supreme Court
Attention: Rules Comment Section
1501 W. Washington
Phoenix, AZ 85007-3231

Re: Rule Petition No. R-08-0012

Dear Justices:

This petition asks you, the Justices, to change the existing rule that only allows me to represent myself or hire an attorney, that is licensed in this state, to assist me at hearings. However, as it stands now, the owner can represent himself or have a designated person represent him (a manager) or have an attorney or a combination of all three.

It is stated on the Department of Fire, Building and Life Safety website that: "The Department of Fire, Building and Life Safety's mission is to further public safety and welfare." Further, that the Department "Develops and maintains administrative procedures to facilitate consumer protection."

I presently live in a 55+ Mobile Home Park, and have resided in this Equity LifeStyles Properties community since February 2005.

I am a 100% disabled veteran, and have been since January 1, 1998. I am living on service connected disability pay.

Along with serving my country for over 30 years, I have served in my community, in several states, as a Court Appointed Special Advocate (CASA). I also have donated my time as a volunteer in helping disabled veterans and senior citizens as an advocate in administrative hearings with both the Veterans Administration and the Social Security Administration.

I know from my own experiences that there are many examples of non-lawyers assisting the less capable at an administrative hearing at both the state level and at the federal level.

During one of the many courses that I attended in obtaining my degree in Criminal Justice the following question was raised – "How can a proper regulation of rightful activity be distinguished from an improper abridgement of the private rights of the people?" As with the federal laws, the key is whether state laws are a pretext for purposes other than the prevention of future or rectification of past rights violations. One sign that a law is pretextual is when it benefits a particular group rather than the general public.

In the course of my three decades of service in the armed forces of this great nation I repeatedly affirmed my oath to support and defend the Constitution. The first amendment guarantees every citizen a right to petition for redress. However, mandatory arbitration clauses and rules of courts and even rules for administrative hearings have denigrated that right. The current ADA Amended Act is a law that represents a significant achievement in protecting the rights of children and adults with disabilities. Perhaps in the spirit of that law is the suggestion that the residents of 55+ communities may need the assistance of someone to present their case. I am constantly reminded of the following – "It is the Spirit of the Law and not the form of the law that keeps justice alive" (Earl Warren).

We, the many thousands of residents in these 55+ communities, came from every state in these United States and from every walk of life. The one thing we all have in common is that we are "the consumers" and we are the citizens that require the "protection" as stated in the phrase – that the Department "Develops and maintains administrative procedures to facilitate consumer protection."

I respectfully request that you approve this Rule Petition, No. R-08-0012, for the protection of the consumers who reside in this state.


Patrick E. Nixon