

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-194

Complainant: No. 1397810884A

Judge: No. 1397810884B

ORDER

The complainant alleged that a candidate for justice of the peace violated election laws and used misleading language in his campaign materials. The complaint is dismissed because the commission does not have jurisdiction over judicial candidates unless they actually elected to judicial office. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 27, 2010.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on September 27, 2010.

This order may not be used as a basis for disqualification of a judge.

is a candidate for Justice of the Peace in the Apache Junction Justice Court, Pinal Co. JP Precinct 7. On March 3, 2010, filed a statement of organization with the Pinal Co Elections Department, took out nominating petitions and sent out a press release. Any of those actions would constitute being a candidate for judicial office and subject him to the Arizona Code of Judicial Conduct according to Canons 1 and 4.

Violation 1

At the time, was a covered employee of the Arizona Department of Corrections. ARS 41-772 provides that it is a class 1 misdemeanor for a covered employee to become a candidate for a paid public office. Because he is a covered employee, none of the exemptions in 41-771 apply. A copy of a newspaper article (AJ News, March 8) printed as a result of the press release is enclosed. Also, the article can be found by going to ajnews.com and looking at "archives" at the bottom of the home page.

The newspaper published another enclosed article (AJ News, March 15) pointing out that was ignoring state law. denied his responsibility to resign by saying that he is not a candidate until he turns in his nominating petitions, which is patently false. The resulting public clamor resulted in the Director's office of the AZ DOC hearing about the violation and he was forced to resign. The newspaper published a follow up article (AJ News, March 29) which is enclosed.

This conduct was a violation of Canon 1, Rule 1.1, and comment 5.

Violation 2

In press release (AJ News, March 8, and in other publications), he identified himself as a "COIV or Captain" at the AZ DOC. In fact he is a Correctional Officer 4 in the programs division of AZ DOC and there is no such thing as a captain in the programs division. While a CO 4 is at the same pay as a captain, the rank is not captain. The use of the description of "COIV" rather than CO 4 is carefully designed to make the unaware reader think that "COIV" is an acronym for a four word title including "captain." This is clearly misleading for potential voters.

This conduct was a violation of Canon 4, Rule 4.3 A and F.

Violation 3

has put up banners and printed tee shirts that read ' Justice of the Peace.' There are pictures of these signs and tee shirts on his website, " " and printouts are enclosed. No where does he use the words "for, elect, or vote." This tactic is carefully designed to mislead the voters

into believing that he is the incumbent. While he does not use the honorific title of "Judge," the misrepresentation is the same.

This conduct is an ongoing violation of Canon 4, Rule 4.3 A, D and F.

Violation 4

On _____ website, as of today's date, in the "about" section, he claims, '
is a COIV (same rank as Captain)... A copy of that page is enclosed. In addition to the misrepresentation about being the same rank as Captain listed above, he claims that he "is" still a CO 4. Either he was not candid about quitting the AZ DOC, and he is still violating Arizona's Little Hatch Act or, he is claiming to have a job that he does not have.

This conduct is an ongoing violation of either, Canon 1, Rule 1.1, or Canon 4, Rule 4.3.