

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-327

Complainant: No. 0192210761A

Judge: No. 0192210761B

ORDER

A municipal court judge misused his official credit card on two separate occasions to purchase personal items. After reviewing the judge's response, the commission decided to dismiss the complaint with an advisory letter regarding Rules 1.1, 1.2, and 3.1(E). The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: March 18, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on March 18, 2011.

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

Press Release

At a Special Meeting of the El Mirage City Council on December 6, 2010, the City Council suspended City Judge _____ without pay for thirty (30) days. This suspension was the result of two improper charges made by Judge _____ on the City of El Mirage credit card issued to him. The most recent charge occurred on November 15, 2010, in the amount of \$699.25. Judge _____ had dropped his personal vehicle off for service and learned, upon returning to pick up the vehicle, that the repair shop would not accept a personal check. Because Judge _____ did not have a personal credit card, he used the City's credit card to pay the bill and retrieve his vehicle. Judge _____ advised the City Finance Department and Management of his usage the next day and submitted his personal check reimbursing the City the full amount of the charge.

The second charge, in the amount of \$52.00 to PETCO, occurred on August 6, 2010. In September 2010, the City's Finance Department noted the charge at PETCO. In September, and during the next several months, the Finance Department asked the Court for the documentation supporting the charge and the purpose of the charge. On November 29, 2010, Judge _____ submitted documentation of the charge with a cover memo stating the charge was for vaccinations for a stray cat Court staff had adopted in August, but that a staff member had since adopted the cat and taken it home. Included with the November 29th memo and documentation of the charge, Judge _____ submitted his personal check to the City in the amount of \$52.00.

All City employees who are issued a City credit card are required to read the City's purchasing card policies and procedures, and then sign an agreement regarding its usage. The agreement, which was signed by Judge _____ on July 17, 2009, states the City card is to be used "to purchase only goods and services that serve the public purpose." Mayor Michele Kern stated, "The public has to be able to trust that public funds are only used for legitimate public purposes. Although Judge _____ did reimburse the City for the improper charges to his account, those charges should never have occurred in the first place. The Judge violated the trust placed in him by this City Council and the citizens of El Mirage. Although termination of employment was an option considered, the majority of the City Council felt his lack of intent to defraud or steal from the City should mitigate his discipline. Hopefully a 30 day suspension without pay gives the Judge and the rest of the City's employees notice that violating the public's trust is serious and will result in discipline."

The 30 day suspension became effective December 8, 2010. The Presiding Judge of the Maricopa County Superior Court has been asked to appoint a temporary replacement to cover the judicial function of the El Mirage City Court while Judge _____ is on suspension.