

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-062

Judge:

Complainant:

ORDER

July 7, 2021

The Complainant alleged a justice of the peace (now retired) prejudged her case, was disrespectful, engaged in ex parte communications, and failed to remain impartial.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Denise K. Aguilar, Christopher W. Ames and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 7, 2021.

This complaint is the result of a hearing on _____ wherein I was the Plaintiff in the matter. The "Hon." _____ presided over the hearing. He took an oath as all judges do as follows:

- "I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that
- I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the Constitution and laws of the United States."

In this case _____ violated his oath of office. He was not impartial and he did not treat me with respect. _____ had improper ex parte conversations regarding the Defendant. Also, _____ supervises his staff who assisted the Defendant with filling out his Answer.

According to the Arizona Judicial Branch:

"The _____ usually has one or more court clerks to provide clerical assistance and maintain court records. Additionally, _____ courts in some busy urban _____ have a court administrator."

Clerks are not there to give legal advice. If a party had additional questions, he/she should be represented by an attorney who handles small claims.

Pursuant to Arizona Revised Statutes, _____ Court Clerks Role ~ The clerk's are prohibited to give legal advice. ~ The clerk will provide forms (most forms available at the court).

The Answer indicates that it was emailed on _____ I received a copy of the Answer from the Defendant on _____. It was unreadable so I contacted the Defendant and asked him for a better copy. He responded that this is what the court gave me in an attached email. On _____ I contacted the clerk for a better copy and it was emailed to me.

Following is my account.

This action is a result of renting a space in Defendants tiny home community on _____. I was _____ years old at the time and I have been _____ since _____. I live on a fixed income which is under the poverty line. I spent only _____ at the community after the Defendant released me from my lease which is how I ended up leaving the community on _____. The lease is null and void.

The Defendant opened up the community _____ ago. He was the boss. My unit was moved to his property over _____ prior to my move in date. The Defendant had an abundance of time to set up my unit properly. He never did. The Defendant also had an abundance of time to provide me with written information about his rental lots. The only information I was provided was a lease which he gave me almost _____ after I moved in.

During the _____ I was there, the Defendant gave direction and instructions on what needed to be done to the lot I rented. The Defendant had assured me often that the only cost would be a pad which I paid for _____ in advance. That Defendant's assurances turned out not to be true. After I moved into the community there were mounting charges.

After I had invested time, money and energy into this move, I reluctantly signed the lease. After another of unkept promises and Defendant's rude and abusive behavior, the Defendant released me from the lease and I moved out of the park after spending approximately \$ for a stay which caused severe physical pain and stress. It completely drained my small savings and more. Now I am in debt and paying high interest.

On I appeared in court. **Before the hearing began, the judge asked the Defendant whether he had brought a copy of the lease.** The Defendant then got out of his seat walked around the table behind me and provided the judge with a copy. (I was not provided a copy of the lease.) Then the judge started the proceeding and I did my best to present my case. I testified with my flip flopping unable to as best I could. I have a I testified about how I came to a decision to live in an Rents are high and I have a which makes it difficult to find decent rentals. I testified that I live on a fixed income and I wanted a place I could afford. I had sold my house earlier because it was too much for me to keep up. I used the money from the sale of my house to buy the with a small amount left over for moving expenses. I testified about not receiving any written information from the Defendant until I had been on his property almost I testified that I never received a signed copy of the lease. I testified that I had made friends while at the community. I testified about the expenses I had paid that were not part of my complaint: clothes line, mail box, fence, new sewer connection, fee to move my unit out of the park. I testified that I with underlying health problems. I testified that as the owner of the community the Defendant told me to use for rock installation before the monsoons came. I testified that being a new tenant and relying on the Defendant for settling into the community the Defendant told me to use for everything. The Defendant told me that only charged \$ an I would not have used if it was not for Defendant's fervent desire that I do so. I testified that the Defendant's lot was not ready to rent because it needed rock and a faucet. I testified that the situation was never resolved. I testified that the Defendant made a pad for my unit that was designed for the homes he builds but it was not suited to my unit which was the cause of difficulties. I provided exhibits supporting my claim. I testified that the Defendant could recoup his expenses. **I presented evidence that the Defendant released me from the lease.** I presented evidence that the Defendant charged me for a " I presented evidence that I had to hire a to fix some of the mess the Defendant caused. I testified that I had to empty my sewer line and that it had holes in it. I provided a photo of the shoddy work the Defendant's de facto employee had done. I presented evidence that the Defendant agreed to pay me back for the pad. I presented evidence that all of the stress over an unfinished set up, shoddy gravel work and further work was affecting my health. I also suffer from and

did not question me regarding my Complaint nor my exhibits or my testimony.

It was then time for the Defendant to present his case. The Defendant did not anything. He never used his own words. He mumbled answers to questions taken from Defendant's statements in his Answer which were not proved to be true other than the Defendant's " they were true. In fact the Defendant said absolutely nothing. Rather, the judge spoon fed the Defendant as though the Defendant was a child thus acting as his representative. asked leading questions straight from the Defendant's Answer. " Yeah to " Next the Defendant was asked whether the pad was " " " **I can assure you that I would not buy a pad if I did not need one and the Defendant told me I needed one.** The Defendant was asked about his de facto employee " " Defendant was asked about his costs. He testified he had " but did not provide receipt or identify what those costs were for.

made of comments at the end. He said his wife was . I am not sure why. I am not considered " " by the State of Arizona but I live in an ft by ft because I am and poor. As got up to leave, he held up the lease that the Defendant gave him and said " ' and I will have an answer for you by the . Again, it is my belief that the lease was null and void.

On , I received the Judgment by
The Judgment and Order was dated . It was mailed on
. I received it on . stated under the
heading Background that:

"
Clearly, the Defendant did nothing but present with a lease, a lease ..."
asked for.

It was clear to me that had made his decision prior to the hearing. He asked the Defendant for a copy of the lease. Why would he do that. It was the Defendant's responsibility to present his exhibits. It was improper for to intervene. It was improper for to ask leading questions of the Defendant. I believe his finding is
It is my belief that discriminated against me as men have for decades in using the good ole boys system against women. I believe he assisted the Defendant because of his influence and connections in Arizona. In doing so, he disrespected me and disparaged my person. I was not treated with dignity by He did not see or value me as a person. did not take anything I provided in his decision rather there was a definite theme to hearing, the lease.

In preparing a judicial complaint I needed a clear copy of the Answer. I called the court and asked that I receive a copy via email. I was told that there was nothing I could do with it as the decision had been made. The clerk snapped at me and asked me what I was going to do with it! I said I was going to file a judicial complaint. Their computers went down.

There was a clear bias against me.

Exhibits

Complaint

Emails regarding service of Answer

Answer

Judgment copy of envelope

Name of Person Filing / Address / Phone /
Email / Fax

COURTS, ARIZONA

Case Number:

Plaintiff(s) Name / Address / Phone / Email
(The person, business, or entity that is suing)

Defendant(s) Name / Address / Phone / Email
(The person, business, or entity being sued)

COMPLAINT (*Small Claims*)

THERE ARE NO APPEALS IN SMALL CLAIMS CASES.

Warning—you do not have the right to appeal the decision of the _____ or _____
in a small claims court. If you wish to preserve your right to appeal, you may have your case
transferred to the _____ court pursuant to § 22-504, subsection A, Arizona Revised Statutes, if you
request such transfer at least ten days prior to the day of the scheduled hearing.

PLAINTIFF'S CLAIM

\$ _____ s the total amount owed to me by the defendant because:

see attached

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**