

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-080

Judge:

Complainant:

ORDER

August 4, 2021

The Complainant alleged a justice of the peace did not afford her an opportunity to be heard and improperly ruled in favor of the tenant in an eviction proceeding.

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 Barbara Brown, Louis Frank Dominguez, and J. Tyrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 4, 2021.

2021-080

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On _____ a hearing was held at the _____ Court in _____ This was
summons for Eviction Action against _____ and _____ for providing false information on their
application and ultimately engaging in behaviors contrary to their signed lease. _____ was the
presiding judge and _____ was the attorney for the Plaintiffs, _____ and _____

provided backup statements as such:

1. " _____ him to lie on the application and not disclose his previous evictions as his wife, _____ would not approve them to move in and they were such a " _____ couple.
2. _____ maintained that the _____ only rented to him and his family because they were in need of the rent monies to fix a " _____ property.
3. _____ maintained he and his family were without a kitchen for _____

Attorney _____ showed up about _____ before the hearing to meet with _____ and _____ He said Judge _____ was ' _____ judge. Then said that he may have a problem because we waited so long to evict.

Judge _____ then allowed _____ to bring up his allegations against _____ saying " _____

_____ and _____ were only allowed to answer as to when they found out about the previous evictions (mid _____). They were not allowed to answer any other questions. _____ also attempted to find out what properties the _____ owned in " _____ " He also asked about our financial status.

_____ found in favor of the tenant, even though it was verified he had lied on his application. At the end of the hearing it became known that _____ had actually handled one of the previous evictions and _____ and _____ traded information on _____ family.

THE TRUTH

_____ did not tell _____ to ' _____ on his application and had no previous knowledge. In fact, the previous evictions were no known until the _____ contacted an attorney, _____, to assist after the _____ brought in animals against the lease agreement, lied when confronted and said the cat and dog were " _____ " blamed neighbors when their approved outside dogs began to howl at all hours (clearly detailed in the lease they would not disrupt the neighbors) and blame the _____ when his dogs broke through the neighbors fence and roamed through the neighborhood. _____ was a real estate agent in _____ and would never have told them to lie.

The dogs in questions were listed as _____, _____, but in fact are _____ and are now being kept in the garage _____

_____ disclosed she had evicted the _____ before and the _____ then obtained _____



COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

With regard to the lie about the _____ needing the money in order to fix the destroyed property, the _____ had spent over \$ _____ to fix the property from the previous tenants. New carpet was installed, the entire how was painted, doors were replaced, all appliances (which were fairly new) were cleaned, curtains installed, all screens were replaced, etc. Cabinets had been ordered in _____ but due to Covid the installation was delayed. The _____ were offered the opportunity to wait until the cabinets were completed, but " _____ to let them move in and they would deal with the installation process. All receipts are available and of the over \$ _____ spent to bring the house to a like-new status, over \$ _____ was paid prior to the _____ moving in. About \$ _____ was still due to _____ at the time of the _____ move in.

With regard to the lie about being without a kitchen for _____ : The Cabinets arrived from _____ on _____ The _____ moved in on _____ The installation began on _____ While the countertop was being measured and built, the _____ gave \$ _____ in cash to the _____ to assist them with groceries and an offer of paper goods was made to ease their discomfort during this time. The Cabinets were fully installed on _____ This is far less than the _____ told the judge.

The day _____ arrived to pay his _____ rent and deposit, he was told " _____ " He was reminded he could not bring the _____ big dogs into the house since all the home was new inside. He agreed.

Less than _____ after occupying the home, the calls began from neighbors on all sides. The _____ dogs were howling at all hours. _____ neighbors were calling the _____ and complaining. _____ was notified, but did nothing. The calls continued. It was then _____ neighbor told the _____ there were animals in the home: a dog and a cat. They saw the cat in the window and _____ would take the dog outside and shut the door (the front door) until it scratched. When asked about the animals, they first said that they told _____ they were watching them for a friend. _____ reminded them there were to be no animals in the home. The _____ then said " _____ "

It was then, in _____ we contacted _____ This was also the time when _____ did not pay his _____ rent and blamed his employer " _____ had the _____ file a Notice to pay or quit. She also had the _____ file a _____ notice for violations of the lease. She was in the process of preparing for an eviction when she was appointed as a judge. In _____, she asked for the originals of the process server notices. _____ was given the entire record with regard to the _____ and noticed the lie on the application stating they had never been evicted. She then said she would evict on grounds of violation of A.R.S. 33-1368 for lying on the application. However, she recommended Attorney _____ as she had been appointed as a judge and could no longer work the case.

CONFIDENTIAL FOR OFFICE USE ONLY

Arizona Commission on Judicial Conduct 1501 W. Washington Street, Suite 229 Phoenix, Arizona 85007

COMPLAINT AGAINST A JUDGE Name:

Judge's Name:

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

It was at this point, the _____ moved forward with the eviction process based on a violation of A.R.S. 33-1368.

Upon reading this law, there is no time frame stated in the law. _____ indicated he was denying the eviction based on waiting from _____ until this eviction was filed. However, at no time did he allow the _____ to state any facts about the work _____ had done on the case or the issues involved. At one point when _____ attempted to say something, she was shut down.

Further, Attorney _____ when asked about appealing, told us we COULD NOT APPEAL. I have since talked to other _____, and this was not the case.

Also, Judge _____ obviously had a previous relationship with _____ and talked about his family and the baby on the way at the conclusion of the hearing.

We were not provided a copy of the judgment until we called to ask for it.

FURTHER INFORMATION

After the hearing, the _____ attempted to hire a management company to assist them until the end of the lease. _____ were contacted in _____ and all _____ said they were aware of _____ and _____ had been involved in his previous evictions. No one will work with him. _____ said that when he evicted _____ did _____ of property damage to the home before leaving.

_____ appears to have a habit of moving into homes and creating problems and it appears the courts are ignoring the fact that _____ homeowners are left to pay the damage of this individual. The current neighbors do not want to deal with him because of his belligerence and the constant lies. When he does not get his way, he tells lies or call the police to complain against his neighbors.

CONFIDENTIAL FOR OFFICE USE ONLY

Arizona Commission on Judicial Conduct 1501 W. Washington Street, Suite 229 Phoenix, Arizona 85007

COMPLAINT AGAINST A JUDGE Name:

Judge's Name:

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Judge _____ was most likely aware of _____ history and willingly placed him back into the property of the _____. This is inexcusable. The _____ are in their _____ and unable to deal with a man who enjoys intimidating others.

The _____ were forced to sell the home below market to extricate themselves from this situation. _____ continue to stick to his " _____ " He did not look at the facts of the case and had dealt with this individual before.

The laws are there to protect tenants and landlords. This tenant is engaging in fraudulent behaviors on a regular basis. How is he able to keep all previous eviction addresses from being found out?

QUESTIONS:

If _____ really wanted a long-term home for his family, why did he almost immediately violate the lease?

1. He brought unauthorized animals into the home the _____ after being told no pets allowed in the home. When confronted, he lied and said they were emotional support animals.
2. He did not transfer his utilities by _____ as stipulated in the lease and blamed this on the work being done in the home and other issues.
3. His dogs did not bark, they howled. Complaints started within _____ of moving in. When told, _____ ignored the request to quiet his dogs and instead called the police and blamed a neighbor for " _____ ' his dogs.
4. When his dogs escaped and ran around the neighborhood, he blamed the owner of the home.

_____ has _____ small children in the home with _____ dogs that are " _____ ' according to Officer _____. If he cared so much about a home for his children, why did he put _____ animals above his children.

CONFIDENTIAL FOR OFFICE USE ONLY

Arizona Commission on Judicial Conduct 1501 W. Washington Street, Suite 229 Phoenix, Arizona 85007

COMPLAINT AGAINST A JUDGE Name:

Judge's Name:

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Why did Attorney _____ not allow the _____ to dispute any of the lies told by _____ when they had PROOF of his lies with regards to time the kitchen was being worked on, what was told to the _____ his previous evictions, etc.?

Why did Attorney _____ tell the _____ they could not appeal, when this is an obvious lie?

Why did Judge _____ ignore the rights of the _____ to provide proof of the lies and basically shut down _____ when she attempted to respond to those lies?

Why did Judge _____ place an obvious serial liar and fraudulent family back into the home owned by the _____ ?

And the biggest question of all: Why is it that all the eviction addresses are not on any records for the _____ ? Is he using a false name at some point to avoid detection?

All these questions and the behaviors of both Attorney _____ and Judge _____ should be answered.

**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.**