

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-274

Judge:

Complainant:

ORDER

December 4, 2024

The Complainant alleged a superior court judge failed to timely correct a mistake on an arbitration award after he brought it to the court's attention.

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 and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 4, 2024.

Attachments: [Motion.pdf](#)
[IOAJudgmentEntered.pdf](#)
[Order.pdf](#)
[Affidavit.pdf](#)
[Award.pdf](#)
[Decision.pdf](#)

From:
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>;
Subject: Complaint on Judge

Caution! This message was sent from outside your organization.

Attached "" was filed by Plaintiff on _____ with the Court, (_____) as the result of the Arbitrator using the wrong name (" _____ ' on his decision on _____ (_____) and also issued an award on _____ Arbitrator used the affidavit submitted () by Defendant attorney _____ with the wrong name " _____ ' The Real Name should be " _____ ' . To this day Judge _____ has not ruled on this Motion but concluded the case with two orders(attached and .

Here is the Background info.

This complaint involves _____, (" _____ "), with _____ units located at _____ where the Plaintiff is owner of _____ and the Defendant is _____ . There are _____ Counts listed in Case No: _____ of which 68 Counts deals with _____ BY-Laws Article II Section 4 that is a quorum violations and the rest of the 16 Counts deal with Article VI Section 8 that is Board's President, VicePresident, Secretary and Treasure's duty Violation. This case was assigned to Judge _____ who transferred the case to Arbitration on _____ - ME: Ruling. Arbitrator _____ was assigned to this

case. On [redacted] Arbitrator sent a notice to the parties, stating that the hearing will be held on [redacted] and wanted the parties should provide a memoranda and exhibits be sent out to him to his email by [redacted] on [redacted]. Plaintiff sent his memoranda and exhibits on [redacted], but Defendant did not comply.

The Arbitration hearing was held on [redacted]. Plaintiff asked Arbitrator to declare Defendant defaulted on his failure to provide required memoranda and exhibits. Arbitrator refused to act upon it and the hearing was concluded after about [redacted] hours. Arbitrator sent his Decision on [redacted] indicating

[redacted]. Arbitrator used the wrong name (" [redacted] ") instead using the real Registered name " [redacted] ". This was reported by Plaintiff on his Motion to the Court on [redacted]. On [redacted] Defendant's attorney [redacted] who submitted a Affidavit for the Arbitrator, in that she used the wrong name of Defendant ([redacted]) that was pointed by Plaintiff that was ignored by Arbitrator. On [redacted] Arbitrator sent his award letter stating that the Defendant is the prevailing Party and he was awarding attorney fees [redacted] and [redacted] to Defendant payable by Plaintiff. In spite of Plaintiff's warning to Arbitrator about the wrong name used in the Affidavit, Arbitrator filed the award letter with the court. On [redacted]. Following are the Counts On Judge [redacted]:
Count 1 Failing rule on the Motion filed by Plaintiff [redacted] on [redacted] informing the Judge about Arbitrator using the wrong name on his Decision on [redacted]. (its more than [redacted] days).

Count 2 On Judge [redacted] order with the docket code 29 Has the following,

Judge _____ lied to the Court. Defendant did not make the statement " _____ ".
Defendant states he is not appealing the arbitrator's award.
For the reasons stated on the record, This statement is lie by Judge _____ .
Count 3

The above Statement is a lie by Judge _____ . There are Pending Motions still there waiting to be ruled (_____).
Count 4

On the hearing o dated _____ Plaintiff pleaded to Judge stating that Arbitrator used wrong name on his decision on _____ , and Arbitrator used affidavit that was written with the sworn statement by Attorney _____ with the wrong name with the dollar amount _____ and addition cost to be payable by Plaintiff to Defendant. Judge _____ committed Fraud knowingly and willingly entered the judgment against Plaintiff _____ .

3. Please read the following statement and sign on the line below:

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Signature

Date

Respectfully submitted, On this _____ , Day of _____



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IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF

,
Plaintiff,
v.
,
Defendant.

No.

**NOTICE OF DECISION OF
ARBITRATOR**

As Arbitrator for this case, I find in favor of Defendant, _____, in the amount equal to the costs and fees, *if any*, incurred by the Defendant, to the extent recoverable under Arizona law. I find that Defendant, _____, is the prevailing party. The prevailing party shall submit to me a proposed form of award, an affidavit in support of attorneys' fees, if attorneys' fees are recoverable, and a verified statement of costs. Copies shall be served by mail or delivered to all parties within ten (10) days from the date of this notice.

**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.**