

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-340

Judge:

Complainant:

ORDER

December 17, 2024

The Complainant alleged a superior court judge made untimely rulings and complained about his workload at multiple hearings in an adult guardianship case.

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 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 member Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 17, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-340

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 [] I was granted emergency orders by Judge [] for my elderly father who is sick with [] after being neglected by his wife [] On [] we returned to [] AZ for the contested hearing. At that time Judge [] was annoyed and grumpy that he had to work 8/12 hours the weekend prior. Judge [] had little to no control over his court hearing. In which [] took over, my attorney could barely get a word in. Judge [] criticized Judge [] for her ruling, he criticized the investigator- we felt we were in the twilight zone to be honest. We knew from the very first moment we didn't have a chance, but we kept going because my father's life counted on it. During the hearing Judge [] stated he didn't want PCP or Nurse Practitioner reports he wanted Neurologist reports, in which i produced within the next few days however Judge [] stated he would review information submitted within the next few days as well but to our surprise he ruled pretty much immediately. Ordering me to return dad to [] under the control of his wife [] His orders stated after seeing my father who was frail walk out of the court room his concerns that i lived on the 2nd story apartment vs his wife admitting she discarded dad him in a drug rehab home in [] for [] weeks because she had []. We then appealed his ruling Prior to the appeal Judge [] failed to rule on a few submissions our lawyer made within 60 days which in turn hurt us in the appellate court decision. when we returned to court on [] my father was thriving and weighed [] bs vs [] lbs Judge [] once again complained of the long hours he had to work during the weekend. after year and months I could no longer keep up with the emotional and financial damage this was doing to me and my family. On I returned dad to Courts. submitting bogus paperwork left and right but NEVER was dads' life, well-being and endangerment addressed. Judge [] unpredictable behavior is dangerous. Our elected officials should not be desensitized of human life.

Bottom line is we were never able to show evidence or testify, Judge [] didn't rule on a few orders within 60 days (from [] of [] to be exact), he is unpredictable, and everyone seems to be in cahoots with each other in [] If Judge [] is overworked and couldn't and can't keep up with his caseloads, he had the opportunity to get this moved to [] County and didn't.

At the end of the day dad is back in the hands of those who neglected his care from the start of this cruel disease.

The Justice system failed us and failed dad.

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In the Matter of Guardianship of

As adult children and loved ones we **DO NOT AGREE** that (wife), (daughter) and (daughter) are suitable and responsible to make life decisions for another human, let alone our dad

I had the privilege and honor to care for and help bring Dad back to a healthy state after he was neglected and discarded by his wife which occurred with the help of our sisters as well as husband since the start of this cruel disease.

Our father has shown symptoms since and since then, and pretty much played the middle person, relaying information regarding Dad's health to the rest of us once they received such information from . We would ask why Dad was no longer on medication, what's the care plan, what is his neurologist saying about his health and/or state of this disease. We could never get straight answers and now that we all know, we could not get a straight answer because he wasn't getting the proper medical care from a neurologist.

We didn't realize the severity of the issue until dad got lost in . He left early one morning from his home in and wasn't found until that night wandering the streets of , AZ.. Unfortunately, his wife and/or our sisters thought the rest of his children didn't have the right to know about his whereabouts. It wasn't until one of our family members got a phone call from at and sent her the flyer posted on that my dad was lost. Our family member then contacted me, and I started contacting my siblings. A citizen who lived in the area where Dad was found at wandering around his neighborhood, called for police. Police notified of his location and almost all his children showed up to the location to check on Dad. Dad went home with and stayed there a few days. Because Dad showed up with just the clothes on his back, my husband and I bought him all his necessities: clothes, pajamas, house shoes, and toiletries. never came to AZ to pick up her husband after being lost in another country, instead and went to drop Dad off to

Around this time, I researched neurologists associated with and provided with the phone numbers. I also contacted and got everything set up only to have call and make an appointment for the interview. The plan then was for Dad and to come

live with . After a couple of weeks, we asked if had already completed or planned for this appointment, dismissed our questions and concerns, as usual for her, and directed us to would in turn do the same.

While frequently vacationed to and for weeks at a time, every months, Dad would come stay with while paid her would then have Dad go stay with each of his adult children for a couple of days while here. She wanted the money but did not actually care or want to do the work of caring for Dad. Now she is about to be his guardian. Dad was here in for a party in and then again in of . He was here for weeks while vacationed in . With and knowledge, Dad stayed with me in my 2nd story apartment¹ on and dropped him off with and a cup of apple sauce. Once again, we asked her what's going on and she said Dad doesn't know anyone anymore, and she told me to put furniture in front of the doors so he wouldn't leave. Dad slept well and as previously testified by Dad did wake up at on the morning of the , while I was asleep. He was standing over me and startled me, but never did he scare me enough for me to drop him back off to (and why I continued to care for him on & of). Instead, we went into my kitchen and had a cup of coffee to start our day.

On , and Dad came down to to attend his grandson reception. Dad was laughing, dancing, talking and enjoying time surrounded by family. The following day and told me and my brother that she was planning to put him in a facility. She said she has and and can't handle him anymore. She said Dad doesn't sleep, eat, talk, doesn't remember anyone and he's in bad shape and going down quick. I couldn't wrap my mind around what she was saying as I was literally staring at him do all the opposite. I said I didn't know all this, and asked why she had not shared this information with us. She said, “

.” From this day forward, I made aware that I would be in communication with her to make sure we all stayed informed regarding dad's care. I also asked if she would consider coming to so that Dad could get the best care with doctors here in and have all his kids give the extra help. She immediately answered with a “ ”. She then said, “
”. The following , exactly one week later, on

¹ The same home/stairs that were used against me at the first hearing in this case.

, we all gathered at my brother home. and were not in attendance; however, we provided the information on the group chat from the phone call we had with

Basically, said she is already working with , and dad will be admitted into a facility in AZ. We asked if she would consider a facility in or come to live with one of us. She said “ . On we were made aware that dad was locked up. We tried calling several times with no answer. I contacted daughter , and she made no mention of knowing anything about this. It wasn't until the following day that contacted me and verified that for her safety and his, because he was getting aggressive, she admitted dad into in . NEVER did and/or mention that this was a home. would mention the nurses at the facility said he was doing well and/or wasn't sleeping and keeping the other patients up at night. I called and spoke to , viewed and downloaded videos that I found on from that facility, and it is not a care facility as they have represented to the court. There is no such “wing” in . My lawyer's office called and was told the facility will take *anyone*, as long as they are paid. staff asked if they were set up or had staff qualified to care for patients, and they were told no. is clearly a facility only.

How could anyone compromise the life of an individual that is counting on them to care for and keep him safe? Dad stayed in this facility for weeks and nor said a word to the rest of his children. During his stay, Dad finger was injured. I can't even imagine what our dad went through while in that facility. Such behavior on part of and is unacceptable and should not have been overlooked.

In placed Dad in a “ ” per intake paperwork due to his weight loss. On , she admitted him in an OPEN facility (meaning patients are competent enough to come and go of their own free will) -- -- only for him to leave a couple of hours later. Once again, Dad was lost and walking on one of the busiest streets of until found at that night.

does not have the capacity to make basic or important lifesaving decisions and shouldn't have the responsibility of another human being, let alone our father. Having POA and being a wife does not give you the right to mistreat or make ignorant decisions for your spouse. The following day, on

**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.**