

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-473

Judge:

Complainant:

ORDER

January 6, 2026

The Complainant alleged a judicial candidate did not properly apply for the job, misrepresented her qualifications, had poor answers to interview questions, and had access to confidential information about the selection process.

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 members Denise K. Aguilar and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 6, 2026.

Attorney at Law

(phone) (fax)

Date:

Office via Email:

Attn: Team

AND

Arizona via Email: _____

RE: Arizona Opening Meeting Law Complaint against the Town of

Dear Arizona and :

First, I want to express sincere thanks and gratitude to for working tirelessly to protect the constitutional rights of the people in Arizona. I submit this Complaint on behalf of my client, . On , I attended the Town Council meeting and noted numerous violations of Arizona’s Open Meeting Laws (“OML”), A.R.S. §38-431 et seq. The Complaint is directed to and submitted to both agencies because of issues falling under your jurisdiction concerning transparency, public access, and accountability.¹

The legislature enacted OML “to open the conduct of the business of government to the scrutiny of the public and to ban decision-making in secret.” *Karol v. Bd. of Educ. Trs.*,

¹ To minimize legal fees, prepared and submitted a Complaint to the Arizona on , prior to the additional violations. Please deem this Complaint an Amended Complaint.

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122 Ariz. 95, 97 (1979). It further declared that government proceedings “exist to aid in the conduct of the people’s business.” 1962 Ariz. Sess. Laws ch. 138, § 1 (2d Reg. Sess.) The legislature made clear its desire that these provisions be broadly enforceable by all having an interest in the transparency and accountability of those public agencies and officials that act on their behalf. These interests exist independently of one’s active involvement in or attendance at government meetings, and they are affected even when there is nobody there to witness their violation. It is for these reasons that we hold that §§ 38-431.07(A) and -506(B) grant standing to all who fall within the broader “zone of interests” protected by Arizona’s public accountability laws. We further hold that ratification under § 38-431.05(B) does not act as a complete cure to an open-meeting violation; instead, it merely negates the original action’s default nullification. *Welch v. Cochise County Board of Supervisors*, 251 Ariz. 519, 494 P.3d 580 (Ariz. 2021). Although the law supports _____ concerns, he opines that it may be an act of futility to litigate the matter in _____ Court. Therefore, _____ seeks a thorough investigation of the alleged violations by State agencies.

A. DISCUSSING NON-AGENDA ITEMS

1. Violation of Privacy Rights of Judicial Candidate

After the magistrate court interviews, the councilmembers, their attorney, and the town manager adjourned and went into executive session. When they returned, they opened up agenda item 11 for public comment. The council, with advice of their attorney, did not find it necessary to discuss or consider any public comments in executive session. The executive session was scheduled prior to public comments. The agenda, in pertinent part, provided notice of the following:

11.	<p>MAGISTRATE COURT JUDGE – Discussion, direction, and/or possible approval of appointment for the Magistrate Court Judge position. Applicants:</p> <ul style="list-style-type: none"> • • 	<ul style="list-style-type: none"> • Introduction of item • Council discussion • Invitation for public comment • Final Council discussion • Council action/direction
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Hence, the public was provided notice that a discussion would occur regarding the qualifications of the “applicants” for the position and that there may be an appointment of a magistrate court judge. After the governing body consulted with its attorney and appointed Judge _____ as the magistrate court judge, I raised my hand and inquired about the violation of the privacy rights of _____.

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My question was prompted due to apparent retaliatory action by the governing body rooted in discrimination and discontent from _____' exercising his right to a public interview. In retaliation, _____ officials posted on their website a _____ candidate's personal identifying information, including his home address, phone number, email address, and driver's license number. It should be noted that this type of release of information can prove deadly for a _____ person in a small, rural town in Arizona with reportedly no measurable number of _____ residents.

It was my expectation that the governing body, with advice of their attorney, would simply inform me that the matter is not on the agenda and may not be discussed. To my surprise discussion ensued while the town's attorney, _____, remained mute.

The "Violation of Privacy Rights of a Judicial Candidate" was not on the agenda and was not properly noticed. No discussion or action should have been taken. Based on the circumstances presented, OML requires the following²:

1. Motion to address the issue in executive session immediately; or
2. Acknowledge and defer; or,
3. Place on a future agenda

In violation of OML, the council, via its town manager and with no objections from the town's attorney, _____, engaged in a discussion in which the town manager admitted error and took the position that the sensitive data would be redacted. No vote was taken, and no public notice was provided. Two days later, the council reposted the agenda with _____ personal identifying information being redacted. The public has a right to hear discussions on the incompetent actions of town officials, which could result in civil liability for the town of _____. It should be noted that the council may not publicly discuss a specific individual's privacy violation related to their application because the public's right to open meetings is balanced by the individual's right to privacy, especially concerning sensitive personal information. The council openly considered the improper release of a candidate's personal identifying information and then took corrective action (reposting a redacted agenda) without proper notice, motion, or vote, in violation of A.R.S. § 38-431. No emergency was declared.

² This is counsel's first OML case and counsel understands this basic premise of OML.

2. Pre-Interview Sortition

Prior to the magistrate court judicial interviews, the town manager, _____, initiated a sortition process that was not on the agenda. The town manager walked over to Judicial Candidate _____ and announced “rules” for how the Council would determine who went first. The rules required each judicial candidate to select a number, and whoever was closest to the town manager’s pre-chosen number would decide whether to go first or second. He went on to liken the process to a coin toss in football. _____ selected _____, and the other candidate, _____, selected _____. The town manager revealed that the pre-chosen number he had picked was _____.

Not only did _____ take action on an item not on the agenda, but even with counsel present, he failed to propose a workable and logical set of rules for the pre-interview sortition. The town attorney, _____ of _____, remained silent. Effective leadership and competent advice from the town’s lawyer would have resulted in this matter being properly noticed and rules written to specify that whoever selected the number closest without going over would decide if they wanted to go first or not.

Recognizing the governing body’s inexperience and difficulty in understanding how to commence a public interview, _____ announced that he would allow Judge _____ to decide if she wanted to go first. Judge _____ chose to have _____ go first while she stepped outside with the town’s attorney. This information is provided so that your agencies can accurately assess the level of competence we are dealing with here.

B. LACK OF TRANSPARENCY

1. Interview

The council attempted to avoid conducting judicial candidate interviews in public, contrary to A.R.S. § 38-431. The governing body did not want to conduct the interviews in public. In fact, an attendee who has been vocal at the town meetings suggested that public interviews for a magistrate position have never been done before. I believe her last name is _____. Her name can be obtained from the recorded meeting. Upon information and belief, I was the only one who completed a speaker’s request to speak form. Other speakers were allowed to speak without completing the form. This process appears to fail to preserve written documentation of the names of speakers and the items on which they will speak.

In any event, after [redacted] requested his interview to take place in the open meeting forum, the town responded by posting his personally identifying information on its website. Additional information regarding the town's attempt to obstruct a public interview is set forth in Section C. It may be that the council wanted to avoid disclosing information pertaining to the current judge, possibly having only a high school degree. The town expressed concern about having someone with only a high school degree serving as a judge at the [redacted], town meeting. After I made a public comment on this issue at the [redacted], meeting, a resident with the last name I believe to be [redacted] then stood and retracted the concern about a lack of education and endorsed Judge [redacted]. The attempt to have [redacted] quickly sign a waiver with short turnaround times was to promote a closed interview shielded from public scrutiny.

2. Lack of Full Disclosure of the RV business of Judge

The lack of transparency of the councilmembers is also concerning in their attempt to sidestep full disclosure of the judge's RV business in the neighboring town of [redacted]. A resident and member of the community specifically expressed concern about the business. Not only did the council suppress and not fully disclose information in violation of OML, but it also appears to be complicit in facilitating the violation of the Judicial Code of Ethics, under which judges are required to disclose any business interest. This is an element for assessing the qualifications of a candidate. The business is not mentioned on Judge [redacted] résumé and was only addressed as a question directed solely to her regarding whether her business (with no disclosure of the type of business) would create a conflict. The other candidate, [redacted], was not asked whether he owned any businesses that would create a conflict. Transparency requires all questions to be the same for both candidates, with limited exceptions such as follow-up questions. There was no exception here.

Councilmembers elected not to inquire as to whether certain litigants from [redacted] or [redacted] received any discounts, i.e., whether offered to the community at large or a small subset of the small community at Judge [redacted] RV business. Nor did they inquire whether there could be the appearance of impropriety and possible favoritism for litigants who appear before her and happen to also use her RV services. The Articles of Amendment to Articles of Organization for her business, [redacted] are attached, which denote the character of business as "**Any legal purpose**".

**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.**