

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-048

Complainant: No. 1303710414A

Judge: No. 1303710414B

ORDER

The commission reviewed the complaint filed in this matter and found that the commission has no jurisdiction over the hearing officer, who works for the county. The more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: March 21, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed
to the complainant and the judge
on March 21, 2007.

This order may not be used as a basis for disqualification of a judge.

CJC-07-048

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 14 Feb 2007

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

ENCLOSED IS A COPY OF [REDACTED]
HEARING OFFICER [REDACTED]
ACCORDING TO THE [REDACTED] I COULD HAVE MY NOT
GUILTY PLEA. IT WAS RECEIVED BY [REDACTED]
AS [REDACTED] THE FIRST MEETING WAS BY
ORDINANCE TO ENTER A PLEA. ARTICLE II B(2-3)
ARTICLE II B(1) AFTER SUBMITTAL OF A FORMER
DENIAL, THE HEARING OFFICER SHALL PROMPTLY
NOTIFY THE ALLEGED VIOLATOR OF HIS RIGHT TO
BE REPRESENTED BY COUNSEL. THIS NEVER HAPPENED
I HAD ATTEMPTED TO OBTAIN A BUILDING PERMIT
PREVIOUS TO THIS TIME AND COMMUNITY DEVELOPMENT
TOLD ME I WAS IN VIOLATION ARTICLE I J-2
CITING "THE COUNTY MAY WITHHOLD, AND MAY
REQUEST OTHER GOVERNMENTAL ENTITIES TO WITHHOLD,
ALL BUILDING, ZONING AND OTHER PERMITS ---
I BROUGHT THIS UP TO THE HEARING EXAMINER
AND WAS TOLD I WAS IN VIOLATION
AT THAT TIME I REQUESTED SUMMONS TO BE
ISSUED FOR COUNTY AND FORMER EMPLOYEES
THIS IS PURSUANT TO ARTICLE II D(10)
"THE HEARING OFFICER SHALL HAVE THE POWER
TO ISSUE SUMMONS TO COMPEL THE
ATTENDANCE OF WITNESSES AT ANY
HEARING"

(Attach additional sheets as needed)

THE HEARING OFFICER WAS SET ON A PATH OF I CAN BE IN COMPLIANCE ONLY IF I DIVIDED MY PROPERTY.

THE PROCESS IN [REDACTED] WAS FROM START OF THE REZONE TOOK 1.5 MONTHS NOT BY ANY ERROR ON MY PART COMMUNITY DEVELOPMENT PUT THE WRONG APN# ON THE LEGAL ADVERTISING. I WENT THRU P-2 MEETING AND IT WAS APPROVED NEXT MEETING WAS THE BOARD OF SUPERVISORS. I WENT TO THIS MEETING AND FOUND I WAS NOT ON THE AGENDA.

I TOLD THE STAFF AT COMMUNITY DEVELOPMENT THAT THEY WERE VERY NEGLIGENT IN THEIR WORK.

APPLICATION DATE [REDACTED]

BOARD OF SUPERVISORS APPROV [REDACTED]

AT THE NEXT P-2 MEETING THE INTERIM DIRECTOR OF COMM DEV CHANGED ALL OF HIS RECOMMENDATIONS INSTEAD OF SR2 2 ACRE ZONING IT WAS NOW RA5 1 ACRE PROPERTY ON BOTH SIDES OF [REDACTED] ON THE NORTH SIDE OF THE HY 3/4 ACRE THIS 3/4 ACRE [REDACTED] RECOMMENDED SR1 1 ACRE LOT SIZE THIS WOULD CREATE A NONCONFORMING LOT

RESOLUTION OF [REDACTED]
STATES IN BELIEVE SECTION 8-9010
STATES THAT ALLOW ZONING TO A
NONCONFORMING USE.

ALSO [REDACTED] RECOMMENDED THE
FOLLOWING STIPULATIONS NO SEPTIC
OR WELL BE ALLOWED ON THE $\frac{3}{4}$
ACRE PCE OF PROPERTY. HE WENT
FURTHER TO TELL THE HEALTH DEPT
THAT THE COUNTY HAD AN ORD. THAT
PROHIBITED THIS. UPON QUESTIONING
HIM TO PRODUCE THE DOCUMENTS
THAT COULD NOT BE FOUND
I HAVE MINUTES OF ALL P.Z. AND
BOARD OF SUPERVISORS HEARINGS
BY THE TIME I GOT TO THE SUPERVISORS
HEARING IT WAS SO SKEWERED UP.
THAT THE SUPERVISORS HAD TO
GET AN OPINION FROM THE COUNTY
ATTORNEY.

DURING ALL OF THIS TIME I APPLIED
FOR A PLACEMENT PERMIT FOR A
2ND TRAILER THIS WAS GRANTED
BY WAIVER ON THE CONDITION
OF REZONE AND DIVISION OF
THE PROPERTY. I HAVE NOT WAIVERED
ANY BITE IN MY ENDEAVOR

ON [REDACTED] MEETING OF THE
BOARD MY REZONE WAS APPROVED
AND WOULD BE EFFECTIVE ON [REDACTED]
[REDACTED]

I HAD THE SURVEYOR DO A
DRAFT PLAT OF THE ~~MINOR~~^{MINOR}
DIVISION OF THE PROPERTY.
WHEN I WENT TO GET THIS
DIVISION DONE TO FOUR PARCELS.
THE ~~ORDINANCE~~ RESOLUTION

[REDACTED] STATED MINOR
LAND DIVISION WAS [REDACTED] PER
PARCEL.

[REDACTED] SUBDIVISION REGS
SECTION 9.5 STATES "
THE DIRECTOR OF PLANNING SHALL
REVIEW THE PRESENTED INFORMATION
AND SHALL, WITHIN 30 DAYS, IN
WRITING, ADVISE THE PERSON DIVIDING
THE PARCEL WHETHER OR NOT THE
PROPOSED DIVISION IS CONSISTENT WITH
THE REG. OF THE [REDACTED]
ZONING ORD."

"COMMUNITY DEVELOPMENT HAS CONSTRUED
THIS TO MEAN YOU ARE LEAVING WITH
FOUR PARCELS SO YOU WILL BE
CHARGED [REDACTED] EACH NO WHERE IN
THIS ORD. OR RESOLUTION [REDACTED]

[REDACTED] DOES IT MENTION OR INFER
ANY LANGUAGE OF CREATION OF PARCELS
SO COMMUNITY DEVELOPMENT CHARGED
ME [REDACTED] FOR THE MINOR LAND
DIVISION. I IMMEDIATELY APPEALED
THIS DECISION.

THE APPEAL WAS BEFORE THE
BOARD OF ADJUSTMENT
COMMUNITY DEVELOPMENT NEVER
SENT ME A NOTICE OF THE HEARING.
I JUST HAPPENED TO BE IN

[REDACTED] AND WENT INTO THE OFFICE
THERE WAS A STACK OF BOARD
OF ADJUSTMENT PETITIONS ON
THE COUNTER I PICKED ONE UP
OPENED TO THE SECOND PAGE
AND GUESS WHO HAD A HEARING
IN LESS THAN AN HOUR.

I ATTENDED THE HEARING AND
GOT A PARTIAL VICTORY

THEIR VIEW WAS I ALREADY
HAD ONE SO 3 NEW WOULD
BE [REDACTED]

THIS WAS IMMEDIATELY APPEALED
TO SUPERIOR COURT FOR TRIAL
DENIED. AT COMMUNITY DEVELOPMENT
THE OPINION WAS HOW CAN YOU SUIT
THE COUNTY.

THE COMPLIANCE OFFICER STARTED
TO TELL ME THAT I HAD A NUMBER
OF VIOLATIONS TO THE ORD
3 DWELLING UNITS

I RECEIVED MY NOTICE OF VIOLATION
ON [REDACTED]

ON ABOUT [REDACTED] I RECEIVED
A CITATION BY COMMUNITY DEV.

ABOUT THE TIME I RECEIVED THE CITATION I RECEIVED A PHONE CALL FROM AN ANONYMOUS CALLER WHO WOULD NOT IDENTIFY THEMSELF AND I DID NOT RECOGNIZE THE VOICE.

THEY STATED THAT STARTING WITH

[REDACTED] AND HIS WIFE [REDACTED]

WHO WERE THE [REDACTED]

OF COMMUNITY DEVELOPMENT

THAT THERE WAS A MALICIOUS ATTITUDE TOWARD ME AND THE DELAYS AT PLANNING AND ZONING AND BOARD OF SUPERVISORS WAS A DIRECT RESULT OF THE ACTIONS OF [REDACTED]

[REDACTED] AND STAFF

I HAVE APPLIED FOR ALL PERMITS A WAIVER CONTRARY TO THIS HEARING OFFICER OPINION.

ACQUIESCENCE AND THE SILENCE OF NO RESPONSE OR OBJECTION TO AN APPLICATION THAT IS NOT DENIED BUT ACCORDING TO THE PERSON THAT ACCEPTED THIS APPLICATION AND STATED THAT IT WAS STILL OPEN. BUT THIS HEARING OFFICER DID NOT WHAT THE WORD ESTOPPEL WAS OR HOW IT EFFECTED MY ACTIONS.

I BELIEVE THIS WAS A
MALICIOUS USE OF PROCESS
AND A MALICIOUS PROSECUTION

I KNOW FOR A FACT THAT
THE DUE PROCESS CLAUSE
OF THE 5TH AND 14TH AMENDMENTS
TO THE CONSTITUTION WERE
GROSSLY VIOLATED

THE ONLY THING THAT WAS
I WAS DUELY PROCESSED.

NOW LETS GET TO THE NOTICE
THAT I WAS TO BE ADVISED
OF MY RIGHT TO COUNSEL
THE SIXTH AMENDMENT
THIS NEVER HAPPENED.

NOW LETS GET TO THE SUMMONS
THAT WERE NEVER ISSUED

THE SIXTH AMENDMENT TO OUR
CONSTITUTION STATES AND I MUST
PARAPHRASE THERE SHOULD BE A
PROCESS IN EFFECT TO ENABLE
ME TO CALL WITNESSES IN MY FAVOR
THIS NEVER HAPPENED.

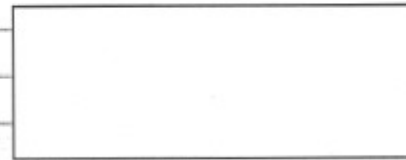
I FILED A MOTION TO DISMISS
THIS COMPLAINT BECAUSE OF
VIOLATION OF MY CONSTITUTIONAL
RIGHTS AND GROSS PREJUDICE
OF

THIS HEARING OFFICER
IT WAS DENIED.


THE ATTITUDE OF THIS MAN
THAT WAS TO ADJUDICATE
THIS MATTER IS APPOLING TO ME

I WILL BE AVAILABLE TO
ANSWER ANY QUESTIONS THAT
YOU HAVE

THIS STATEMENT IS TO THE BEST OF
MY KNOWLEDGE TRUE.



I COULD GO ON FOR PROBABLY
10 MORE PAGES

MY AGE IS 
THE TAPES ARE YOURS TO KEEP
I DONT HAVE THE THIRD TAPE AS
IT WAS JUST DONE THIS MORNING
I HAVE ALL MINUTES OF P-2 AND BOARD
OF SUPERVISORS