

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-006

Complainant: No. 1325800360A

Judge: No. 1325800360B

ORDER

The commission reviewed the complaint and found no ethical misconduct on the part of the judge. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: March 27, 2008.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 27, 2008.

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

JAN 09 2008

December 21, 2007

Commission on Judicial Conduct
1501 W Washington St., Ste 229
Phoenix, AZ 85007

Dear Sir:

I sent this letter originally to Terry Goddard, Attorney General. He advised me that his office does not have jurisdiction in this matter, and advised me to contact you for assistance regarding a citation I believe to be grievously mishandled. I received a speeding ticket in _____, Arizona, August 7, 2007. The issuing office then gave me the ticket along with a brochure (copy enclosed) and a self addressed envelope. I reviewed the brochure, and issued a check for \$135 – the amount itemized on the brochure which the officer gave to me -- on August 26, 2007. (I am not contesting the ticket.) I then mailed it, with appropriate postage, in the envelope also provided by the issuing officer, on August 27, 2007. The date by which this payment needed to be postmarked, was August 31, 2007 – As you can see, I met the due date.

Then, on November 16, I received a Notice of Delinquent Account (copy enclosed) from _____ Court, with an overdue amount of \$201.11. You can image my shock at both the notice and the amount. I contacted my bank to see if that payment had cleared, and it had not – nor had it been submitted to the bank so it was not returned for any reason either. Then, I and my mother called the only available number for information listed on this notice, _____ and inquired as to what this was. The lady who answered the phone stated they never received a payment. When asked how this could be possible considering it was mailed in the envelope provided by the office, she stated that there are two different envelopes and if the officer gave the wrong one, it got misdirected. This apparently happens often enough that it was her first explanation.

Then, she proceeded to transfer us to another person who stated the same thing, and advised that my license had been suspended as of November 7, 2007. I had not received anything informing me of either a delinquent ticket nor a suspension. We were then put on hold, and advised that the judge would be speaking to us. The judge came on the line and did not even say hello let alone inquire as to any circumstances nor questions. She immediately began saying it was my fault because I didn't show up in court on August 31, 2007, so I should have known my license was suspended. When explained payment was mailed in as the brochure stated was an option, she adamantly refused to answer questions, stated all I could do was get a lawyer to file a motion. She would not even address questions regarding the dollar amount of the fine, but did inadvertently state that the fine amount was originally \$129.00 as the brochure showed. My brochure showed \$135. She stated it did not, it showed \$129.00. My mother asked for a copy of that brochure and was told no.

My mother began to insist that some information be provided regarding the financial aspects of this debt, and was eventually (though with hostility) given the name of the "collection agency" which sent out the notice. The lady who initially answered the phone could be heard in the background stating over and over that the envelope the officer gave was probably the wrong one.

I then called the number of the 3rd party collection agency, Fare Program, at _____ to get information about this fine. I have never received a call back at all from any one. Isn't there some requirement within the Fair Debt Act regarding documentation that supports a debt? Especially when the legitimacy of the debt is in question?

Because I am _____ and also work, I felt it necessary I at least get my license reinstated while I work through this so I paid this debt online with my credit card that day.

The next day, I did receive from _____ Court, _____ a copy of the brochure they are using. It is indeed different than what I was given. Therefore, I am inclined to believe that the envelope provided me was also wrong. Then, on November 20, 2007, I received a letter from _____ Court again saying I could take the enclosed abstract to any Motor Vehicle Department and have my license reinstated for another \$10.00 (copies enclosed.)

I went to the MVD on Wednesday, November 21, 2007, filled out the appropriate form, and waited for my number to be called to reinstate my license. I showed the lady the abstract, the note, and the form. However, neither she _____ nor another worker _____ could find any record of either the ticket, nor the suspension. She input the ticket on the record and then handed me back the abstract saying my license was never suspended so there would be no fee since it didn't need to be reinstated.

So, to recap

I got a ticket – my bad, I paid it according to the info I was given by the officer. The paperwork said \$135.00 (enclosed)

I issue a check thinking I've handled this.

I get a notice of delinquent account by a 3rd party collection agency for \$201.11. (enclosed)

I call my bank and put a stop pay on my check costing me \$29.00 (enclosed)

Call the court, treated rudely and told too bad so sad, pay it anyway, even if we screwed up, we won't work with you to make anything right.

Court tells me my license is suspended as of Nov 7, but MVD says never was as of Nov 21.

No one yet has explained to me why I had to pay \$201.11...

I am appalled at this chain of events. I do not believe I should have to pay anything but the ticket -- in fact, I should have had a refund of \$6 since the documentation I received was incorrect. I don't think I should have to pay for the fact that I was given incorrect information. I don't think I should have to incur the cost of stop pay a check that is probably still at the "misdirected" location (which no one would give me.)

I am appealing to you to see if I can get some assistance with this fiasco. As I said, I am and I work very hard for my money. I am willing to pay the fine for the mistake I made, but I should not have to incur the expenses of the officer's and court houses' mistakes. And I should not have to incur the expense of a lawyer to do so either. I can't afford to do so in any case. Can you assist me with this, or is it true that fighting city (or county) hall is pointless.

Please offer what assistance you can to help me straighten out this matter. At the very least, I do not want this inquiry on my credit report, nor a record of a suspension for future insurance / background checks in the future, and I do think I am entitled to financial remedy for the increased cost I had to incur because of their errors -- certainly for the increased amount! I am not asking for anything other than being made whole, as I would have been if the information I had received would have been accurate, or if someone would have communicated to me timely that there was a problem.

This type of behavior is unacceptable in any retail or private business and would not be tolerated in any such industry -- and the courts would be backing my position in not allowing anyone to deal so unfairly, dishonestly and with such bad faith. Why then, am I supposed to think that the courts are entitled to do this same unethical, dishonest bad faith behavior that is harmful to me? I cannot accept that this is fair or right, so how can it be legal?

Thank you so much for anything you can do.