

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-055

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Complainant: No. 1387110572A

Judge: No. 1387110572B

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**ORDER**

The complainant alleged a justice of the peace was hostile and rude. The commission reviewed the complaint and the recording of the hearing and found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 23, 2010.

FOR THE COMMISSION

\s\ Keith Stott

\_\_\_\_\_  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 23, 2010.

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

Feb. 24, 2010  
~~December 8, 2009~~

**To Whom It May Concern**

I am writing this letter on behalf of my father, \_\_\_\_\_ We live in Humboldt, AZ. As you may already know, the EPA is undergoing a Superfund Site, for cleanup of arsenic and lead, at the Humboldt Smelter and Iron King Mine. This cleanup includes the surrounding areas of the Smelter and Mine. The investigation by the EPA has been ongoing since 2002, which was unknown to us.

My father had bought a piece of property in 2008, on \_\_\_\_\_ in Humboldt, \_\_\_\_\_  
This transaction took place through Indian Meadows Real Estate Co. (owned by a \_\_\_\_\_), by an agent named \_\_\_\_\_. At that time, the investigation by the EPA was unknown to my father, but should have been known to the \_\_\_\_\_ as they should have sought information on the property they represented. It is their responsibility to keep informed about these things. They also should have disclosed the information about the investigation by the EPA of the Smelter and Mine to my father, as the property they sold him sits right next to the Smelter. They never did. When my father did find out about the EPA investigation, which was after they sold the property to him, he had the EPA test the soil on the property. It is contaminated with arsenic and lead.

Needless to say, my father contacted the previous owners, the real estate company, and the agent, all who sold him the contaminated piece of land. The previous owner agreed to buy back the property, minus the commission that was paid to the real estate company and their agent

The amount of the commission is \$3600.00. We feel that the commission money should be paid by the ones who received it from the sale – Indian Meadows Real Estate Company and agent \_\_\_\_\_. They should have disclosed the EPA investigation. We wrote them a letter requesting they pay my father back the \$3600.00. They refused. My father proceeded to file a civil suit, with my help, in order to get his money back. The civil suit was filed at Mayor Justice Court, against Indian Meadows Real Estate Co.

and \_\_\_\_\_ We offered up proof of the EPA investigation (ongoing since 2002),

maps of the Superfund Site at the Humboldt Smelter and the property that has been included, the disclosure statement – that makes no mention of the EPA investigation, the arsenic and lead levels of the soil at said property, and other proof, included in the Civil Summons.

I am going to give you somewhat of a history of my father before I continue with the property. My father is ex-military. He served his country for 14 years and has the bullet and knife wounds to show for it. Recently, his days in the military have come back to his memory. He is suffering from Post Traumatic Stress Disorder. He has had 3 heart attacks and continues to have heart problems. He is 75 years old and suffers from fibromyalgia, arthritis, diabetes, loss of hearing, edema, hypertension, nose bleeds, sinuses, high blood pressure, congestive heart failure, degenerative disc disease, nodules on his lungs, a cyst on his kidney, and a possible ulcer. He has been in the hospital 3 times in the past year and is a patient at the VA. He is on oxygen because when he gets upset, he loses his breath. He is also in the beginning stage of dementia and is having issues with his short-term memory. This is the main reason I am writing this letter and have been helping him with his finances, the civil suit, and other things.

My father filed the civil suit at Mayor Justice Court in Mayor, AZ. The judge there recused himself because of a conflict of interest. They assigned the case to a Justice of the Peace

out of Camp Verde Justice Court. The court then set a date for a pre-trial hearing. Both my father and I were under the impression that I would be able to help him during and throughout the court proceedings, because of his conditions. When he starts getting upset, he loses his breath; his blood pressure goes up, and he gets confused with his thoughts. When we arrived at court for the pre-trial hearing, we arrived on time. The hearing started 20 minutes late and the defendant John Jacobsen was 30 minutes late arriving. [redacted] did not even show up. The JOP proceeded to ask questions to the defendants and my father. When my father asked the JOP to verify something with me, she became very hostile towards both of us, even telling my father she would find him in contempt and all he was doing was trying to ask a question, explain his condition, and have the court allow me to help him. I asked her if I could ask her a question and she told me I could not. This upset my father. He stood up and walked out of the courtroom, which is what I told him to do so he wouldn't have a heart attack or something else. I remained to try and explain why my father needed my help and why he walked out. The JOP would not listen to me and dismissed me as if I were a nothing. She then dismissed the civil suit. This all happened in a matter of minutes. After my father and I left, the JOP continued to speak with the defendants. We have the recording of the hearing. We would like to file a complaint against [redacted] and Mayor Justice Court. We would also still like to file a judgment against Indian Meadows Real Estate Co. [redacted] and [redacted]

for the \$3600.00 plus the fees for filing and paperwork that had to be filled out. We feel this money is still owed to my father.

Sincerely,