

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-233

Complainant: No. 1400710864A

Judge: No. 1400710864B

ORDER

The complainants alleged that two justices of the peace were rude, biased, and issued erroneous rulings. After reviewing the complaints and the recording of the hearing, the commission found no evidence of misconduct on the part of either judge. The complainants' primary concern involves the judges' rulings; however, the commission is not a court and cannot change judicial decisions. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: November 19, 2010

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on November 19, 2010.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2010-233

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 9/09/2010

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of the original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

On July 8, 2010 a Travesty of Justice occurred in the Arrowhead Justice Court of bias, misconduct, and complete lack of legal knowledge by the part-time judge
in our case

(Third Party Defendant). This lawsuit and Trial were concerning Sun Grove Senior Living, LLC dba Sun Grove Resort Village (SGRV), which is a senior living apartment house that falsely advertises nonexistent services, misrepresents an imposter unlicensed nurse as a real nurse, and withholds essential repair work as a form of Landlord Retaliation. Judge "Murdered Justice" by not allowing me, the Plaintiff, and the 3rd Party Defendant, the fair opportunity to present our case in accordance with *AZ. Civil Rule 60*. Judge

Violated the *Arizona Code of Conduct for Judicial Employees (Arizona Supreme Court Administrative Order 97-41 dated August 20, 1997)* by: 1. Failing to Maintain a high standard of conduct, 2. Failing to Maintain the highest level of integrity and impartiality, 3. Failing to Comply with the law, 4. Failing to be Professional and Courteous, and 5. Failing to her perform her Judge Duties without bias, prejudice, or conflict of interest. Due to outrageously illegal, inept misconduct as a part-time judge in our case, she should not be allowed the by State of Arizona Judicial System to ever sit on the bench again. This part-time judge Complaint will detail the above allegations:

THE WRONGFUL DENIALS OF MY PRETRIAL MOTION TO STRIKE LATE DISCLOSURE, MOTION FOR DEFAULT JUDGMENT, AND MOTION FOR SANCTIONS

According to *ARCP Rule 26.1 (b)(1)* a Disclosure Statement must be exchanged 40 days prior to the Trial and we complied with exchanging my Disclosure Statement timely on May 28, 2010, but opposing counsel failed to comply by not presenting his Disclosure Statement until July 29, 2010 (only 10 days before Trial). My Motion to Strike the Late Disclosure stated:

"I filed my Disclosure Statement timely which has given the Defense time to threaten, bribe, and harass my witnesses and Affidavit signers who pledged their support and

testimony for the Trial. I have lost nearly half of the people who pledged their support and testimony due to the bully tactics of Sun Grove Resort Living, LLC and their attorney, Scott Williams. It would be "Blind Justice" to allow the Late Disclosure of Opposing Counsel to be submitted with only 10 days to Trial." (**Exhibit 1 - 7/1/10 Motion to Strike Late Disclosure/Motion for Default Judgment/Motion for Sanctions**).

However, part-time judge _____ denied these motions immediately prior to the Trial on July 8, 2010, which gave opposing counsel an unfair tactical advantage of information and extra time to harass, threaten, and bribe our witnesses. We tried to explain this to part-time judge _____ but she rudely refused to listen to our objections and denied our pretrial motions. We also moved that the late Disclosure Statement presented only ten days prior to our Trial did not give us the proper time needed to analyze it and the 300+ pages of evidence. By not having a Pretrial Hearing and accepting the opposing counsel's late Disclosure Statement, part-time judge Melanie Deforest violated the *Arizona Code of Judicial Conduct Canons 1, 2, and 3* by not maintaining a high standard of conduct, not complying with the law, and not maintaining Professionalism and Impartiality.

THE WRONGFUL REFUSAL TO GRANT OUR CONTINUANCE MOTION FOR A DIFFERENT JUDGE AT THE BEGINNING OF THE TRIAL

Prior to the Trial we called the Court to verify the fact that Judge Keegan was going to be the Trial Judge and we were assured that he would be the sitting Judge. This was done because we had filed a Telephonic Complaint on April 23, 2010 against part-time judge _____ concerning her April 22, 2010 Motions Hearing. We reported that part-time judge _____ was rude, condescending, and badgering to us in the Motions Hearing. She even erred on two Court-Ordered Minute Entries which had to be amended because she incorrectly confused to plaintiffs and the defendants and incorrectly cited wrong dates. We complained to the Arrowhead Court Supervisor: "**she was not fit to be a dog catcher**". When we spoke to the Arrowhead Court Supervisor, she referred us to Judge Quentin Tolby, who oversees the Arrowhead Court Complaints. Judge Tolby stated that he watched the Hearing and we discussed at length our verbal complaint and problems with part-time judge _____. When we complained about the questionable rulings of part-time judge _____ we were assured that Judge Keegan would be sitting on the Bench two days before the Trial. When part-time judge _____ came onto the Bench for our Trial, we immediately made a Motion for Continuance for a Different Judge. She curtly and snidely denied our motion.

We attempted to present the facts that our Witnesses had been pressured not to come to our Trial by the defendant and opposing counsel and that one witness, Cliff Dyrland, was missing. We stated that the Trial date desperately needed to be rescheduled. Still, part-time judge _____ refused to listen to our objections and gave us an abusive, stern lecture that it was our fault that our witnesses did not show up for Trial. She denied our Motion for Continuance and forced our Trial to continue without any of our witnesses available, which set us up to fail. We have later learned that our witness, Cliff Dyrland,

was in a coma in John C. Lincoln Hospital due to an auto accident at the time of the Trial. The wrongful refusal to grant our Continuance Motion at the very beginning of our Trial for a different Judge did not give us a fair opportunity to properly present our case at our Trial.

We had timely made a Motion for Change of Venue in our second, related Trial (CC2010-) held on August 19, 2010 at Arrowhead Court against our former renters. Judge Terry Smith came into the Court and she said she was going to be the Trial Judge. She put our concerns to rest by stating that she had many years practicing as an attorney, a part-time judge, and that she knew the law. We stated our fears that we thought were getting the non-lawyer and bad part-time judge again, and we immediately withdrew our motion. It is interesting to note that one the defendants in that case did not show up to Court and Judge Terry Smith even offered the availability of a phone for his testimony for the Trial. That defendant was supposedly unreachable by phone. The point is made comparing the two part-time judges which shows that Judge Terry Smith is properly trained, licensed as an attorney, and is a competent judge who really tried to obtain the facts for a fair Trial, whereas part-time judge is incompetent, is not an attorney, and does not care about justice. By failing to recuse herself from our Trial, part-time judge broke *Arizona Code of Judicial Conduct Canons 1, 2, and 3* by failing to act without Prejudice, Bias, and Courtesy, and with her blatant Misconduct and Illegal Activities.

THE WRONGFUL DISMISSAL OF OUR EXHIBITS

Opposing counsel, Scott Williams, is also a 20+-year attorney and a part-time judge in Mesa. **“failed to keep a level playing field”** in Court by not having the normal Pretrial Hearing. I submitted an Amended Disclosure dated July 8, 2010 advising the Court that a Peoria Police Report (10-007447) was filed and that the Exhibits were available for review at the Mediation Hearing held on May 7, 2010. The defendant, Scott Green, the representative of Sun Grove Senior Living, LLC (SGSL), and opposing counsel, Scott Williams, refused to examine any exhibits and refused to properly mediate any settlement. The 7/8/10 Amended Disclosure stated that: “It is submitted to this Court that the Defendant has waived his right to examine the evidence by his actions and needs to wait for the Pretrial Hearing for the second opportunity to review the evidence and settle this lawsuit (**Exhibit 2 – 6/10/10 Amended Disclosure**). Opposing counsel was mailed a letter dated June 10, 2010 stating that I had not received his Disclosure Statement 40 days before the Trial, as I had done, and that I was bringing the exhibits to the Pretrial Hearing. The withholding of Exhibits was done in accordance with *Federal Rule of Civil Procedures – Rule 26* in order protect the vital information being investigated by the Peoria Police Department in the Complaint (10-00747) for Elder Abuse filed May 30, 2010. This was all disclosed to the opposing counsel, but no Pretrial was held in Arrowhead Court. According to the *Arizona Civil Justice Court Rules* a Pretrial Conference is scheduled to clarify the issues for the Trial and allow parties to exchange information and to possibly settle the lawsuit (**Exhibit 3 - 6/10/10 Fairall Letter to Williams**). This Pretrial Conference procedure is especially important for a judge to properly schedule when overseeing a Trial when one party is representing themselves while the other party has an attorney. This procedure was presented well by

David Osterfeld's, recent Estrella Mountain Justice of the Peace opponent, advertising (**Exhibit 4 – Osterfeld ad**) which stated that: “**judges oversee trials and hearings to ensure their fair presentation. This is critical when only one party has an attorney, which can often happen in justice courts.**” If we would have had a Pretrial, we would have been informed that Notarized Affidavits of our witnesses were not acceptable according to Arizona Laws and we would have packed the Court with witnesses. failed the keep a fair and level playing field for our lawsuit by not having a Pretrial and by granting opposing counsel's motion to dismiss our 300+ pages of Exhibits. This action surprised us because we were told to do this by the Court when we called asking when the Pretrial was scheduled. We were told ten days before the Trial over the phone by the Arrowhead Justice Court: “to bring the Exhibits to the Trial because they had no time for a Pretrial and that this was just Justice Court.” We told part-time judge these facts in our rebuttal to the Motion to Strike the Exhibits. Our objections were rudely and belligerently overridden by the unfit part-time judge We were completely disarmed by our lack of Exhibits and we were not allowed a fair opportunity to properly present our case at Trial as allowed by law.

We are able to compare Judge Skills and Procedures to our second Trial (CC2010-) in the Arrowhead Court on August 19, 2010 against our former renters. That Judge, Terry Smith, allowed undisclosed exhibits and testimony information in the interest of obtaining the truth and making a fair decision. Because of not properly having a Pretrial, we believe judge purposely set us up to fail. We believe her misconduct and retaliation with the dismissal of our Exhibits was motivated due of our April 23, 2010 Complaint. broke *Arizona Judicial Conduct Code Canons 1, 2, and 3* with her failure to maintain a high standard of conduct, failing to act with integrity and impartiality, failure to be patient and courteous, and failure to act without Prejudice or Bias.

THE WRONGFUL BADGERING, THREATS, AND INTERRUPTIONS OF OUR TESTIMONY AND QUESTIONS

It was nearly impossible for us to speak in Court due to the abusively rude and dictatorship-like control part-time judge imposed upon us at our Trial. We believe that was because of our Complaint filed against her. She would not let me, Mark Fairall, or the 3rd Party Defendant, Carol Ann Buck, speak without interruptions or badgering. She even told Carol Buck that she was on “**thin ice**” and threatened her, a liver transplant patient dying of liver rejection due to the actions of the SGRV slumlord. It is difficult to document all the insults, interruptions, and demeaning actions part-time judge subjected us to in the Trial. We hardly completed one sentence throughout the Trial, and we respectfully urge this Commission to **watch the Trial Video** of the July 8, 2010 Courtroom Chamber of Horrors that she created which did not allow us a fair and just opportunity to present our case and “have our day in court.” Part-time judge undignified, harsh demeanor and body language needs to be **watched**, not read in a transcript of proceedings. This is why we have not submitted a court reporter's transcript of this Kangaroo courtroom Trial.

In comparison with our other recent Arrowhead Trial (CC2010-) on August 19, 2010, Judge Terry Smith was very kind and considerate with both in **propria persona** parties. She kept control of the Court in a friendly manner and she knew the law. The is this is completely opposite from part-time judge who broke the **Arizona Code of Judicial Conduct Canons 1, 2, and 3** by failing to maintain a High Standard of Conduct, by failing to Avoid Impropriety, and by failing to be patient, dignified, and courteous to us at the Trial.

THE WRONGFUL INTERPERTATIONS AND MISUSE OF THE LAW

Our Mistrial will highlight the wrongful interpretations and misuse of the law by part-time judge Specifically, part-time judge

1. Did not have a full understanding of the Lawsuit: The first question asked by part-time judge was: "Did you live at the apartment house and did you have a lease?...I have read every single page of this lawsuit and understand the case." That question and statement by part-time judge proves she is a liar. That was such a ridiculous question if she really had a complete understanding of our lawsuit and interrelated Arrowhead Court cases. Simply put, this lawsuit was based in facts which supported our allegations that our former landlord collected an illegal service dog deposit, illegally used a stolen item, and failed to provide a safe and healthy place in which to live in accordance with the law. We attempted to detail our allegations and the facts of this Lawsuit with our July 8, 2010 Opening Trial Statement; but opposing counsel objected to our opening statement and SGRV corporate history of illegal activities, and part-time judge refused us our right to a complete opening statement (**Exhibit 5 – 7/08/2010 – Opening Trial Statement**).

The landlord countersued for \$9,999.99 for Interference of a Contractual Obligation and for \$9,999.99 for Breach of Contract. Of course, we lived at SGRV and the question showed an absolute inability of part-time judge to properly understand the lawsuit and Trial. Her judgments on the Countersuits showed she continued to misunderstand the law or ignore it when she awarded Sun Grove Resort Village a \$0 verdict against for Contractual Interference when pointed out to the Court she made her own decisions and was not influenced at all. Also, she awarded Sun Grove Senior Living LLC a \$9,999.99 judgment verdict against and exceeded the \$9,999.99 judgment limitation of Justice Court because of a previous \$2,600 judgment verdict (CC2009- under Appeal (LC2010-) by Arrowhead Court on October 20, 2009 and in Superior Court for the same contract. Now, due to the unfit behavior and illegal rulings of part-time judge the Arrowhead Justice Court has over \$12,600.00 of judgments plus \$5,334.00 for excessive attorney fees and costs against for just one lease. That \$17,934.00 judgment award on one lease is a violation of the **Arizona Justice Court Limitations** and exceeds the \$9,999.99 judgment limitation which makes both Carol Buck's Arrowhead Justice Court Cases eligible for one Mistrial. Presently, we have been forced to pay the absurd, totally unnecessary \$1,400.00 filing fees for an appeal and this Mistrial. This does not take into consideration our wasted time, energy, and other

costs over the past Year due to SGRV's persecution and the Court's looking the other way.

2. Wrongfully refused to allow all witnesses to be properly questioned: It is pointed out that part-time judge _____ robbed us of our Court Judgment Award by blocking _____ from properly questioning the defense witness, George Kieffer, who had key information. I asked if I could question Mr. Kieffer, the opposing counsel lied by saying that Mr. Kieffer had nothing to do with the _____ part of the Trial, and part-time judge _____ sustained opposing counsel's objection. Again, part-time judge _____ accepted the lies of opposing counsel and denied my legal right to question Mr. Kieffer at our Trial. The opposing counsel lied and constantly duped part-time judge _____ in the Trial. This blocking of Mr. Kieffer's questioning prevented us from showing that Mr. Kieffer was threatening to kill us and that we had an Injunction against Harassment filed against Mr. Kieffer on October 2, 2009 and it was still in effect at our Trial date of July 8, 2010. This information would have prevented _____ Counterclaim Judgment Award and would have showed that Sun Grove Senior Living, LLC was an unsafe and unhealthy environment. This fact is supported by the fact that we were afraid for our lives from the SGRV employee and our former renter, George Kieffer, and part-time judge _____ refused to let that evidence see the light of day.

It is easy to understand why opposing counsel, Scott Williams, did not want to question Mr. Kieffer because Williams had a conflict of interest between he and his SGRV client for this Trial. Scott Williams represented Mr. Kieffer in _____ other Arrowhead Court Case (CC2010- _____) and set up an unknown and unapproved Stipulation Agreement which absolved Mr. Kieffer of all his unpaid rent and damages to the _____ rental house. That illegal Conflict of Interest cost us nearly \$20,000 in uncollectible back rent and damages and the State Bar of Arizona has been made aware of the Collusion between our former attorney, Mark Tucker, and Scott Williams with Bar Complaints of Collusion (**Exhibit 6 – Mark Tucker Bar Complaint Letter dated August 31, 2010**). Also, Mr. Kieffer was fully aware that the former Sun Grove Senior Living, LLC employee, Gail Magnuson, stole the _____ house countertop located in the _____ rental house where Mr. Kieffer and Ms. Olach previously lived. Mr. Kieffer was also aware that another former SGRV Employee, Jim Sedlock, installed the stolen countertop in the SGRV dining room located at _____ Peoria, AZ 85382.

That Countertop Theft was part of our original Complaint and Mr. Kieffer's testimony would have completely prevented our Trial loss and obligation for the defendant's attorney fees and court costs (**Exhibit 7 – Kieffer Trial Documents**). That wrongful barring of _____ legal right to question a witness was a direct violation of the *Sixth Amendment to the United States Constitution* and it prevented us a fair opportunity to present our case at the Trial.

3. Wrongfully refused to rule that the illegal \$450 dog fee collected was a debt of the new owner: The part-time judge _____ made another wrongful interpretation of the law when she said the \$450 illegal collection of a pet fee for a Service Dog was the

obligation of the old owners and not of the new owners. The corporate structure was explained to the Court in previous pleadings which part-time judge adversely ruled upon. It was presented to the Court that 19 owners purchased the property as a tax shelter investment property through the alleged \$200 Million Ponzi Scam artist, James Koenig, over four years ago. The 19 out-of-state investors got the Ownership Deed to the property when California, Shasta County Superior Court, prosecuted James Koenig and his Management Company, Oakdale Heights, on May 9, 2009. Mr. Koenig has his Trial set for November 9, 2010 in California. In reality, the present owners are the former property investors but now they actually have possession of the Deed of the property through litigation by the State of California. This is an important fact to clarify which explains many of the past strange Motion Denials of part-time judge because she simply did not fully understand the complexities of this case.

Also, we attempted to make her aware that this Arrowhead Court had previously ruled that a refundable deposit of the previous owner was allowed and awarded to Bonnie Hunt's Case (CC2009-) because the same ridiculous SGRV claim was made at that time. Unfortunately, part-time judge refused us to submit that information in rebuttal of her incorrect interpretation of the law. In fact the August 30, 2010, Motion to Stay the Financial Disclosures which was filed on this case states:

"Judge also incorrectly ruled by not allowing the debt owed to for the illegally collected \$450 Dog Deposit Fee for a Service Dog to stand by stating the debt belonged to the previous owner which is incorrect according to the ARS 47-2611 Anticipatory Repudiation. In fact U.C.C.-Article 2-Sales-Part6. Breach, Repudiation and Excuse allows the "Binding Effect" where the owners take over the rights and debts of the old owners. Judge incorrect denial of the legal \$450 debt owed me allowed Sun Grove Resort Village a misdirected verdict." (Exhibit 8 – 8/30/10 – Motion to Stay Debtor's Hearing).

4. Wrongfully was misled by opposing counsel to ignore SGRV corporate history and blocked newly discovered evidence at the Trial: It is very apparent why opposing counsel, Scott Williams, took such an active role in this small Justice Court case defense for SGRV because he wants the SGRV corporate history to remain buried and wants to keep Seniority, Inc. from possibly facing a huge Elder Abuse Judgment. The SGRV owners are the same 19 investors for the past four years, but the senior living apartment house changed Management Companies from Oakdale Heights, run by alleged Ponzi Scammer James Koenig, to Seniority, Inc. in April 2008 (**Exhibit 9 – Seniority Inc. News – 4/21/08**). We now are presenting newly discovered explosive evidence to the Court in our MISTRIAL which supports the SGRV **"abuse culture"**. SGRV was previously run by the Oakdale Heights Management Company which was just found guilty of a **\$12.5 million elder abuse case in March, 2010** by a California Superior Court. The Court found that "Koenig and the others in the Ponzi scheme allegedly bled the elder-care facilities by cutting costs, permitting understaffing and lax security and supervision." (**Exhibit 10 – Elder Abuse Verdict and Newspaper Information – Sophie Schwartz – Oakdale Heights property – March, 2010**). Senior abuse, withholding of services and lax security is exactly what happened to and at SGRV because Scott Green, the SGRV Executive Director, continued to

operate SGRV using the same ruthless and criminally illegal management practices for Seniority, Inc. as he had used in the past at SGRV as Oakdale Heights site manager. Scott Green's management style continues in his merciless attempt to maximize the return for the same investors. We are fully aware of opposing counsel's illegal activity as an attorney in assisting SGRV extort phony debts from seniors and breaking the state law ARS45-454 by not reporting the illegal abuse, neglect, and exploitation of vulnerable adults. We made a Motion to Disqualify Opposing Counsel on April 21, 2010 because of his SGRV criminal accomplice role and his Collusion with George Kieffer but the motion was denied by part-time judge **(Exhibit 11 – 4/21/10 Motion to Disqualify Opposing Counsel).**

We attempted to communicate this SGRV corporate history through our Motions and at the Trial, but it was completely misrepresented by opposing counsel and the part-time judge blocked our testimony. The "Piercing of the LLC Shield" for SGRV's illegal activities and management pattern of an underfunded corporation and senior abuse were supported by case law and presented in our March 23, 2010 Motion to amend the complaint to specifically name the five property manager/owners as defendants **(Exhibit 12 – 3/23/10 Motion to Amend the Complaint to Add Specifically Named Owners/Managers)**, but that motion was denied by part-time judge

On April 22, 2010 we made another Motion to add all 19 investor/owners as defendants **(Exhibit 13 – 4/22/10 Motion to Amend the Complaint to Specifically name All The Property Owners as Defendants)**, but part-time judge denied that motion and let all of the owners off the financial hook which prolonged this lawsuit and made any collection of our Lawsuit Award impossible. It took many calls to this Court to obtain correct Minute Entries for the April 22, 2010 oral argument held in the Arrowhead Courtroom because part-time judge had wrong dates on the entry and was confused who the defendants and plaintiff were in the case. We never got a totally correct Minute Entry for the April 22, 2010 oral argument which was the hearing where part-time judge was very befuddled and extremely rude resulting in our judge Complaint **(Exhibit 14 - two incorrect 4/22/10 oral argument Minute Entries).**

It is extremely important to point out to the Court that we were attempting to make the out-of-state tax dodging investors of Oakdale Heights and SGRV property Owners legally responsible for their mismanagement and misdeeds in March 2010. Our Motion to name the SGRV owners here in Arizona simultaneously occurred as the California \$12.5 million award for elder abuse against another Oakdale Height's mismanaged senior living property. Of course, the owners do not want to be held responsible for the illegal activity they cause, but California is piercing the corporate shield and making unscrupulous investor/owners financially responsible for their misdeeds. Gregory Owen, the attorney for the abused California senior, stated:

"The jury sent a loud message to elder-care providers who choose profit over people and ignore laws designed to protect our community's most vulnerable members. This type of conduct will not be tolerated." (Exhibit 10 – 3/10 Newspaper Reports & Information of Oakdale Heights' \$12.5 million judgment award for elder abuse).

The opposing counsel objected when we asked the defendant, Scott Williams, if he knew

Beverly Seigel, another resident who lives at SGRV. Again, the part-time judge blocked the questioning concerning the newly discovered evidence that we had just received concerning the fact that Beverly Siegel tried to rent previous SGRV apartment but was declined by Scott Green because she was told it was full of mold.

The opposing counsel objected when we asked the defendant, Scott Green, about the advertising on-line stating SGRV was an assisted living facility with a 24/7 monitored emergency call system. Again, part-time judge also blocked that line of questioning because opposing counsel stated SGRV was not actually in control of on-line advertising. This was another opposing counsel lie and we have followed up on the twelve senior living referral companies disclosed in their own evidence and we have removed five on/line ads misstating that SGRV is an Assisted Living Facility with a 24/7 monitored resident emergency alarm system. We also have a magazine where SGRV misrepresents their services as newly discovered evidence being presented in the MISTRIAL (**Exhibit 15 – The CB Time – SGRV Ad – May 2010**).

The opposing counsel objected when we asked their Mold Examiner, Environmental Consulting, Inc. for lab information of Terra Science Laboratory, Inc. which processed the mold air samples taken on 10/16/09 at previous SGRV apartment. We now have newly discovered evidence which verifies that Terra Science Laboratory Inc. has gone out of business because of poor work and is no longer used by Environmental Consulting, Inc. The opposing counsel misused the Court by blocking the new discovery questioning. Again, part-time judge went along with the devious opposing counsel and blocked the new evidence exploration. Finally, part-time judge had totally set us up for complete failure in our Trial by blocking all our witnesses, blocking our old evidence, and blocking our new discovery exploration.

5. Wrongfully failed to follow proper courtroom procedures and protocols which allowed blatant perjury by the defense witnesses:

The proper procedures and protocols of a Judge are to have all the witnesses be removed from the trial courtroom in order to insure independent and uncollaborated testimony in accordance with **28 U.S.C & Fed. R. Civ. P. 83**. In the July 8, 2010 Trial, none of the defense witnesses were asked to leave the courtroom and they all had the opportunity to hear all the witnesses and set up consistent lies. The lies became very apparent in the Trial when the five SGRV witnesses testified under oath as to the wrong date of September 18, 2009 for the water leak in SGRV apartment. We attempted to point out that three witnesses perjured their written documents (**Exhibit 16 – SGSL #095 & #096 – 9/18/09 Kieffer Perjury / SGSL #097 & #098 9/18/09 Olivares Perjury / SGSL #099 – 9/21/09 Bennett Perjury**) before the part-time judge with the defense's own Exhibits of the work orders requested by stating the water leaks were October 2, 8, and 10, 2009. (**Exhibit 17 – SGSL #105 & #106 – Maintenance Request listing correct water leak dates**). When it was pointed out to the part-time judge

that the witnesses were perjuring themselves, she simply ignored the truth and let the dummied up documents of the opposing counsel not to be questioned and accepted the coached witnesses' perjuries as the truth. Scott Green, the Executive Director of Sun Grove Senior Living LLC, constantly perjured himself and lied on the stand by stating

that they never advertise as an Assisted Living Facility and never stated they had a monitored 24/7 emergency alarm system for the residents. We could not even get Scott Green to admit that _____ was in charge of the Ambassador Committee, a resident's counsel, which helped the renters at the location.

When he was shown his own letters written about _____ being the Chairman of the Ambassador Committee, he would not acknowledge the truth. Finally, I said to the part-time judge _____ in the Trial when I was examining Scott Green: "I cannot make him tell the truth your Honor." (**Emphasis added**) Perjury was rampant in the Courtroom by the defense witnesses, and part-time judge _____ did nothing to stop it.

_____ committed misconduct by ignoring the proper courtroom procedures and protocols in our July 8th Trial. Judge Terry Smith followed proper courtroom procedures in our August 19, 2010 Trial by having all the witnesses for both the prosecution and defense sit outside the courtroom until it was their time to testify. Judge Terry Smith insured a fair and just Trial by not allowing any perjury or collaborated witness testimony: part-time judge _____ did not and totally failed as a judge by not enforcing the law with fines and/or jail time for perjury.

SUMMARY

We are very concerned that part-time judge _____ is unfit to be a part-time Justice of the Peace because she lacks the understanding of the law since she is not a lawyer and has a very limited two-year background of assisting the Arizona Justice Court System. She used a very harsh and abrasive manner of dealing with us in the Court Trial by using Berating, Shouting, Threatening, Intimidating, Interrupting, Degrading, and Badgering Conduct from the Bench with little or no respect or courtesy toward us as non-lawyers. The Arizona Justice Court System does not need part-time judge _____ making unsound judgments based upon her own lack of professionalism, lack of common sense, lack of fair-mindedness, and lack of knowledge. In fact, her strange abusive behavior may indicate that she has a mental problem because she is **non compos mentis**. That evidence of not being of sound mind is demonstrated when she threw out of Court our 94-year old threatened witness, Millie Toedebush, because her driver, John Roberts whispered to Millie he thought she was "doing a terrible job". Both Mr. Roberts and Mrs. Toedebush are willing and anxious to testify about this judge's misconduct. Also, Stephanie McMahon witnessed the Courtroom Circus created by part-time judge _____. Ms. McMahon has sat on the Arizona State Bar Ethics Committee Review Board and she stated:

I have never seen a worse and more abusive judge in my life and she should be taken off the Bench. I would not have believed what happened in Court unless I had seen it myself."

Ms McMahon is willing and anxious to testify about this part-time judge's misconduct.

It is abhorrent that part-time judge _____ lacks integrity and abused her part-

time judge position to help herself. This was especially evident in our Trial when she did not recuse herself from our Trial when we had previously filed a Complaint with the Court. We feel that all her motion decisions, Court style, and final judgments were hostile and against us because she was upset about our initial Complaint against her. We believe her ultimate goal was to be elected to the Estrella Mountain Justice of the Peace Position and she did not want any negative press because of our Complaint. This is a huge violation of the *Arizona Judicial Conduct Code Cannon 4 Section C Conflict of Interest* which states:

“Judicial employees shall manage personal and business matters so as to avoid situations that might lead to conflict, or the appearance of conduct, in the performance of their employment.”

Finally part-time judge violated the *Arizona Judicial Code Cannon 5 – Judicial Employees Shall Refrain From Inappropriate Political Activities (B)(1)* when her police officer and Campaign Manager husband filed a Police Report against her Estrella Mountain Justice of the Peace opposition David Osterfeld for moving one of her signs. Part-time judge did not maintain did not maintain the dignity of her Political Campaign and she failed to encourage the same for her husband. We believe Arizona Department of Public Safety Officer part-time judge misused his Police Officer status and tried to smear opponent David Osterfeld’s good name by filing a very petty and public Police Complaint for illegally moving part-time judge Campaign sign only one month before the Primary Election (**Exhibit 18 - 7/10/10 WEST VALLEY VIEW Newspaper Article – “JP Candidate Accused Of Tampering with Rival’s Campaign Sign).** This was a “last ditch” desperate act by the Family to help part-time judge win the \$90,000+ a year job full time as a Justice of the Peace to replace her regular job as a group fitness instructor at Lifetime Fitness. It also supports the fact that she was shocked about our Complaint on 4/23/10 and made the desperate act of punishing us and trying to bury us by blocking our ability to obtain a fair Trial in her Chamber of Horrors Courtroom. It is very apparent that the Public is fully aware, by the recent August Primary Election Results in the Estrella Mountain Area, that part-time judge is not ready to make the leap from non-lawyer, full-time fitness instructor, and 2 year part-time judge to a full time Justice of the Peace Judge because she placed a distant third with only 2417 votes (18.95%).

This Formal Complaint to the State of Arizona Commission on Judicial Conduct should support our request to remove her totally from her part-time Justice of the Peace Court Position. **misconduct, lack of legal knowledge, wrong interpretation of the Law, and not being of sound mind has changed our probable Appeal to a definite Mistrial which is a first for the Arrowhead Justice Court.**

We affirm, under penalty of perjury that the foregoing information and the allegations contained in the above complaint details are true.

Date: September 9, 2010

Attachments: Exhibit 1 – 7/1/10 Motion to Strike Late Disclosure – Pages 1
Exhibit 2 – 6/10/10 Amended Disclosure – Page 6
Exhibit 3 – 6/10/10 Letter to Williams – Page 11
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cc: Arrowhead Justice Court – 9/10/10 Motion for Mistrial