

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-019

Complainant: No. 1410510906A

Judge: No. 1410510906B

ORDER

The complainant alleged that a superior court commissioner improperly threatened him with jail time and refused to allow him the opportunity to present his arguments and evidence. After considering the allegations and viewing the video recording of the hearing, the commission found no evidence of ethical misconduct on the part of the commissioner. The commissioner's demeanor was appropriate, and she allowed the complainant an opportunity to present his case, though she was not required to request or accept evidence that was not relevant to the issues before her. That the commissioner was not sympathetic to the complainant's situation does not constitute ethical misconduct. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 12, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on April 12, 2011.

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

Confidential

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

COMPLAINT

RE:

Attorney for Hope Fruchtman
Attorney for : Self-represented

To Whom it May Concern:

On January 5, 2010 I was court ordered to yet another hearing regarding child support and to answer to a contempt charge of non-payment of medical services rendered to whom I fathered.

This has been an ongoing process with the mother of the child for the last 9 years. Because of my dire financial straits in regards to the child issues, I have no choice but to represent myself.

I brought all records to court as ordered. However, the Commissioner felt no need to review my documents. I had proof that I had been paying the court ordered \$100 for medical reimbursement since ordered by another judge in September 2010. Having been presented with the Plaintiffs records for review I had many questions.

- 1) The Plaintiff does have a trust fund that she has access to that provides her with a source of income.
- 2) The Plaintiff claims to have a business that reflects a 1099 status, however there is no record of her business with the Arizona Corporate Commission or with the Arizona Dept of Revenue.

I presented my financial affidavit in full that does reveal I have \$13 per month left over after my child support, the medical insurance that I carry for my daughter and now I am responsible for 63% of the bill of uncovered medical charges. The sad part is, my daughter is very healthy and is used by the mother as a way to make extra income. The hundreds of pages from care providers prove it.

When I asked to speak, the Commissioner told me to "sit down and be quiet. Don't interrupt me". When I objected to the opposing counsel statements because they were blatant lies, she threatened me with incarceration if and I quote "didn't shut-up". She went on to say that she had the power to throw me in jail and that she would do it. The Commissioner then said that she would keep me incarcerated until such time the demands of the mother were met when it had already been ordered previously by an ACTUAL JUDGE that I make the \$100 per month payments to the mother which I had been doing. She then put another judgment against me for an additional \$200 per

month that with \$880 per month in child support, \$115 per month for medical insurance on top of the \$100 per month I was already paying, I am now looking at being homeless.

I found Commissioner [redacted] conduct to be biased, unfair, condescending, coercive, rude, derogatory, threatening, bullying, and in complete ABUSE OF HER POWER as a CIVIL SERVANT. She demonstrated the very definition of malfeasance.

I feel this Commissioner violated my CIVIL RIGHTS and as a father in Arizona I have found I HAVE NO RIGHTS even though I have done everything ordered of me and then some. *I will take this as high as I can!*

Ms. [redacted] has a history with men. She has never been married but she has had one other child with a different man before me. She made his life equally hellish. Ms. [redacted] does not work a regular 40 hour job even though I do provide funds for day care. She claims to have an income of only \$18K per year but I found otherwise. I wanted to present this in court and I was told **"NO, SIT DOWN and DON'T INTERRUPT ME."**

Because Ms. [redacted] can supposedly afford counsel and I cannot, I find it very disheartening and quite agonizing that my voice was silenced because I do not have the funds for an attorney and I do have to represent myself when my case has all the merits to prove I have reached my fiscal limit and I am being financially abused by her and the Family Court System.

The Commissioner was there to intimidate me, threaten me and clearly infringed on my CIVIL and CONSTITUTIONAL rights to a FAIR HEARING which I did not receive and I am asking for RECOURSE in this case.

I await your response to this travesty of injustice befallen on me by the Arizona Family Court System and Commissioner, [redacted] of the [redacted] Superior Court, Arizona.

Regards,