

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-109

Complainant: No. 1440910028A

Judge: No. 1440910028B

ORDER

The complainants alleged that a retired municipal court judge endangered them when driving his vehicle and subsequently threatened and berated them, referencing his judicial title.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainants and the judge's response, in which he explained that he was not the person who had the encounter with the complainants, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 16, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on August 16, 2012.

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

8. Please read and sign the following statement:

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Signature _____

Date 4/27/2012

CONFIDENTIAL

State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

FOR OFFICE USE ONLY

2012-109

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date:

On Saturday, April 21, 2012 at 7:15 AM, friend (), husband () and I were bicycling east, on in Paradise Valley, AZ. We were in the bike lane riding approximately 15 mph, when a car approached us from behind and came within **one foot** of hitting me. Since there was no traffic on this wide residential road, it appeared the maneuver was intentional. This appearance was confirmed when the driver proceeded to pull into the bike lane ahead of us, slam on his brakes, and jump from the car.

I stopped my bike alongside the car, which was now blocking the bike lane. The driver was extremely agitated. He demanded to know: "what gave us the right to ride where we were." (In the bike lane?) At the same time, I demanded to know: "what gave him the right to hit me." who'd joined us at that point, tried to educate the driver on the purpose of a "bike lane" and on Arizona's "3 Foot Law."

The driver tried to intimidate us and convince us of his superior knowledge of the law by declaring that he was, in fact, a Judge! "Judge " – yes, he spelled it for us quite clearly. (). Convinced of his legal right to hit bike riders, which he referred to as "you people," he proceeded to challenge us to a fight! Seeing that we weren't the fighting type, the Judge offered to phone the police. We accepted his offer: "Yes, let them settle this." However, at this point, the Judge withdrew his offer claiming to have left his cell phone at home.

About this time, several other bike riders (stopped to witness our exchange and offer support. Apparently, just minutes before his attempt on me, the Judge, had nearly missed hitting by doing the exact same thing-driving within a foot of her while she was riding in the bike lane.

Judge behavior is not only criminal, but a violation of the ARIZONA CODE OF CONDUCT FOR JUDICIAL EMPLOYEES, which requires that Judicial employees “...**AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.**” and “**comply with the law.**”

8. Please read and sign the following statement:

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Signature _____

Date 4/29/12

CONFIDENTIAL

State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

FOR OFFICE USE ONLY

2012-109

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date:

On Saturday, April 21, 2012 at 7:15 AM, I was riding my bicycle eastbound on E. near in Paradise Valley. I was in the bike lane and riding with two friends (witnesses listed above,) when a grey station wagon passed me, also driving eastbound, coming within one foot of hitting me. The car was close enough that it was obvious behavior on the part of the driver to hit and/or intimidate myself and the group. Both friends who I was riding with commented on what a "close call" it was. At the time the driver passed me, there was no other traffic or obstacles in the road and no other cars in the westbound lane. A few blocks farther east, near we came upon the same grey stopped in the road and blocking the bike lane. I noticed two other riders, stopped outside of the bike lane next to the car. The driver had just done the same thing as he did to me, and drove intentionally close to Ms. in her estimate, one foot also from hitting her.

The driver was standing outside of his car screaming at the two rides about "what gave them the right to ride" where they were. The driver was agitated and got in and out of his car several times, alternating between slamming his door and attempting to get closer and closer to the two riders still on their bikes. Several times, I heard the driver yell, "I'm a judge! I am a judge." The driver said he was going to call the police, at which point Ms. encouraged him to do so. The driver again stated that he was a judge. When asked him what his name was, the driver said, and proceeded to spell it. He then yelled that he didn't have his cell phone with him, and got back into the car, and sped away.

Judge behavior violates the first three tenants of the first canon of the Arizona Code of Conduct for Judicial Employees: Compliance with the Law, Promoting Confidence in the Judiciary and Abuse of Position.