

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-183

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Complainant: No. 1446110648A

Judge: No. 1446110648B

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**ORDER**

The complainant alleged a superior court commissioner demonstrated bias by improperly recalculating child support based on her prior income and father's current income.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 complainant and listening to the recording of the hearing, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the commissioner's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 7, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on September 7, 2012.

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

JUL 03 2012

**Complaint****Against Commissioner  
and****AG**

On 6/26/2012 I attended a Family Court modification hearing. This was requested by the Father Case FC  
ATLAS

I sat in the lobby waiting my turn to go back in the mediation room with the para-legal. Once I was brought into the room she sat me down and the Father ( ) was allowed to attend telephonically. He was on the loud speaker. The para-legal was going over our check stub information and taxes. She then found out Mr. did not provide a copy of his taxes to the court. The para-legal asked Mr. why he did not fax a copy in, he said "I didn't want to send it in, because it showed my income and my wife's". The para-legal then said, "we may have to request a continuance to give you more time to provide that to the court. Then she said we will go over what we can with out the taxes but we will need them before everything is final. Then she advised Mr.

I have a new employer (due to I was released from work due to a medical condition 4 months ago, and this job I have had 1 month on this present job). Mr. started yelling and saying "no we need to use her old job information, I don't care that she isn't make that money anymore", and the para-legal said "no we can't do that, before this job she had no income 3 months looking for work how is that fair". Then The AG ( ) walked in the room, he said "ya, just use the Mother's old income. I turned to him and asked "how is that fare, I haven't made that money in 4 months and I was let go due to a medical reason, I do have a Doctor's note". asked me "where is the note then, I said you didn't ask for it, I have it at home I can fax it in, can I have a continuance to provide that"? He said no, "let's go see the Judge". Then I said "how can you use my income and not the Father's old income of

\$65,000 plus quarter bonus', never responded to me. I said (Father) voluntarily left his job and re-joined the military making \$30,000 plus bonus' (housing and food stipend), I didn't voluntarily quit. Either AG responded to me.

Then we went upstairs to see Commissioner We went in the courtroom, I was the second case. As soon as I sat down Commissioner started asking me "why did you quit your job"? I said "I didn't quit I had a medical reason I am not there and I have a Doctor's note that explains that I can bring it back to court with a continuance", Commissioner never responded to me regarding that question. asked me "what type of work did you do"? I said "it was call center enrollment sales, but I can't do that work anymore do to a medical reason". said "why not", I said "it's private". said "well you need to apply for that kind of work and I feel you are able to do it, so we are setting your pay for child support at your old wage of \$38,000", I said why I haven't made that in 4 months and I have applied for other jobs that pay more than I am making (server now less than 25 hours a week) and none have called me back in 4 months that's why I took this job". said "what education do you have, I said a Associates degree, he said I see here 4 years of college (I don't know where he was looking), I said I have been a single Mom and working I haven't finished my Bachelors unfortunately, the Father has a Masters degree though and went back in the military voluntarily 10 months ago as a E4. He said "so what, you're just a little server at Olive Garden and the Father is in the Army it's a career". "So I am setting your income at your old wage, you need to find a job that pays you that no matter what". I was so offended I didn't say anything. I am a Air Force Veteran myself, that is where I met Mr. while we were both active duty in Korea, I got out the Air Force because of being a proud single Mother, how dare Commissioner through Mr. job in my face and state the Olive Garden isn't or could not be a career. That is

slander, Olive Garden is a large corporation with several restaurant chains under the umbrella (Darden), I worked for a sister restaurant Red Lobster before I went in the Air Force.

I was so hurt, that in 4 month I have made \$350.00 for my child and me, since 3 months I had no income due to my unemployment case still pending, the denied and now I am scheduled for appeal 7/13/2012. I couldn't believe he put my income at my old income (even though I told them I had medical reason's I couldn't do that work and had Doctor's statement's explaining that). Not to mention I am the one who is the sole guardian of the child, and have always been. The Father is not in the child's life at all, he doesn't even call her but once a year.

I feel I was treated unfair, bias, and incomplete information was used for the court to make their decision. My Doctor's explanation was not waited for with a continuance, like Mr.        was offered regarding his taxes.

And Mr.        taxes and military enlistment document (with monetary bonus information) were never reviewed for court.

I feel if my old income needs to be used than Mr.        old income needs to be used.

I will attach a copy of my Doctor's statement that I offered to bring back, but I guess that the wrong person asked a question when I asked that.

Thank you for your time,