

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-251

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Complainant: No. 0248610717A

Judge: No. 0248610717B

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**ORDER**

The complainant alleged a pro tem superior court judge violated his constitutional rights.

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 complainant along with court records available online, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: October 19, 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 October 19, 2012.

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

**Commission on Judicial Conduct**  
**(a third-party complaint)**  
**(third-party are members/shareholders of )**

This is a complaint against Judge Pro-Tem of the Superior Court.

This complaint is filed by

is a long-time member of This complaint is filed by as a member of the **privately-owned cooperative** as members/shareholders are fearful of reprisal from County or their Arizona political subdivision

It is believed Judge actions are apparently designed to silence the victims of a larceny crime or the unlawful taking and carrying away of someone else's goods with the intent to appropriate them as the defendants in CV2010- and their associates have clearly done.

The case of Judge misconduct occurred in CV2010 In CV2010 and on June 15, 2012, in a Notice of Lodging Proposed Order to Show Cause Why Plaintiffs Should Not be Held in Contempt, attorney of the Phoenix-based firm, representing:

In this case and in the matter of converting attorney multiple clients are:

1) the Inc. a privately-owned cooperative, Incorporated

2) the an Arizona Political Subdivision, who are holding hostage the files and records of Inc. which is still undissolved.

3) The Board of

\* are unable to produce, or refuse to produce, substantial proof of their shareholding in

\* is deceased (recent suicide)

4) The chairpersons of the

\*

for individual acts.

5) as the administrator of the apparently a County-paid position.

6) Also Plaintiff was on the Board of as the corporate attorney. alleges he only represents the Board of and in the same breath alleges he never represented any of the Plaintiffs despite being a recent Board Member. Also fee agreement with said he represents the Company. has no published fee agreement with any of the above sordid persons.

7) himself, for legal malpractice (miscalculation of all the Articles of Incorporation with and revisions that were done 35 years prior).

In the Case CV2010 attorney believes conflicts of interest were so great he filed for removal in a case that dealt with the release of company files and records that is covered in all known Bylaws.

Per all known Bylaws of , dating to February of 1978 printed here as an example:

1) The first published set of Bylaws came out **February 17, 1978.**

"Article IV Members Rights Section 5 Right to inspect company books.

(A) Any member may inspect company books using following procedure:

(1) Board of Directors must be given a one week notice.

(2) No books shall be removed from the presence of the Board of

Directors."

2) Amended Revised Bylaws of February 1988, were again revised February 11, 1989 to read:

"Article IV Member Rights Section 5. Right to Inspect Company Books.

(A) Any member may inspect company books using the following procedure.

(1) Board of Directors must be given a one week written notice to arrange for an appointment, so that a date, time, and place can be agreed upon.

(2) No books shall be removed from the presence of two designated Directors or Officers."

3) From the 2006 Bylaws created in violation of the 1989 Bylaws (these are the bylaws the defendants hang their hat on as a contract in this case). "Article IX Record Inspections Section 1. Right to Inspect Company Records. Any Member may inspect Company records during office hours by appointment provided no records shall be removed from the office without the permission of the President. The Company may copy records for any Member upon request for a fee as established by the Board."

In the case writes and cites:

***"In Arizona, it is well established that bylaws constitute contracts. Samaritan Health Sys. v Superior Court, 194 Ariz. 284, 288, 981 P.2d 584, 588 (App.1998) (citing Rowland v Union Hills Country Club, 157 Ariz. 301, 304, 757 P.2d 105, 108 (App. 1988) ("The rights of members of a private organization are governed by the articles of incorporation and by-laws, which constitute a contract between the members and the organization....").*** is a private organization.

This release for review and copying is a contract between the members and the organization. The issue (complaint) was for release and review for copying the files and records of [redacted] and also, the seating of the Board duly elected February 2010 by a 91% margin.

Attorney [redacted] believed that attorney [redacted] had numerous conflicts of interest and filed a motion for his removal. With attorney [redacted] motion filed, Judge [redacted] took offense and ruled [redacted] motion was for harassment only and awarded the Defendants \$48,000 in attorney fees and costs. The Defendants refuse to reveal who is putting up the \$48,000 to squelch any litigation dealing with the release of files and records of [redacted] which are considered private property of that company and members. It is generally believed the [redacted] financed the case for the Board of Directors of [redacted] and their Board for individual acts in violation of the Bylaws of [redacted] a contract. This is supported by [redacted] statement while serving as chairperson of the [redacted] (video-taped and transcribed) from the Transcript of [redacted] Public Meeting/Public Hearing, September 26, 2010 (attached):

page 4, lines 19 through 20 **"We realize that \$40,000 paid to the attorney so far is just a drop in the bucket..."**

and:

page 4, lines 26 through 27 **"So the accountant suggested...at first he suggested a \$7.50 base charge plus a \$3 to \$5 charge to cover the loss of funds to the lawsuits..."** (that's \$3-\$5 per account, an estimated 681 accounts of [redacted])

This is also supported by Pro-Tem President of [redacted] (a plaintiff in the case, page 6, lines 14 through 17:

**"My own personal complaint surrounds the [redacted] irresponsible actions regarding the increased charges that are unwarranted. I don't understand how you can charge back your private legal defense to the [redacted] You're using a [redacted]-supplied lawyer and paying him with [redacted] money to defend yourselves as individuals. That's improper use of funds."**

The concern is that Judge            awarded this government entity's            funds to apparently the Defendants and not the government entity. Members' concerns are that the            is imposing a service fee on them to pay for litigation that is withholding their private property being the files and records of

In the case, the Plaintiffs attempted to determine to whom the judgment was due, either The            or the Defendants individually. Judge            comment was "**It doesn't matter.**" In other words, the Plaintiffs owe a debt, and their accounts are being garnished, but they're not entitled to know to whom they owe the debt.

Judge            completely ignored a ruling on the contractual release of files and records. Again, the files and records are the private property of            members/shareholders. With Judge            non-ruling, the            still hostages the private property of shareholders/members.

There is and was throughout the events that took the private property of members/shareholders a clear and decisive collusive effort on the part of attorney            and the administration of            County, with the assistance of Judge Pro-Tem            . Judge            apparently wanted to silence the victims of the crime by:

- \* imposing large fees and costs onto them
- \* prohibiting them from gathering funds for their defense
- \* silencing the news media representative
- \* prohibiting them from having meetings
- \* prohibiting them from forming committees or duly electing a board of directors in their privately-owned cooperative, enterprise
- \* threatening and intimidating them from the use of the free speech web site, maricopamountainwaterco.com
- \* holding the duly elected Board of Directors (February 2010 -            ) hostage to where whoever spoke out against the professional and political heist of            the February 2010 duly-elected Board could be hauled into court with threats, intimidation and possible sanctions and/or incarceration for contempt of court committed by others.
- \* withholding documents from            members/shareholders
- \* ignoring pleadings, motions and responses to the Court that centered on their guilt
- \* allowing a government entity to hold the private files of

\* allowing government funds to be used against the victims of the larceny

**Judge Pro-Tem** has violated the members/shareholders civil rights found in the First Amendment to the United States Constitution where they are free to associate, speak freely and peacefully assemble.

Under the First Amendment to the United States Constitution citizens (members/shareholders of ) have a right to engage in free expression and to peacefully assemble. The First Amendment includes the right to associate for the purpose of engaging in those expressive activities expressly protected by the Constitution.

Judge while acting in his official and what appears to be individual capacities and under the color of law, deprived members/shareholders of their **Constitutional rights of association, free speech, and peaceful assembly (contained in the attached texts)** without fear of reprisal from Judge court.

Judge has administered tortious interference to prohibit the members/shareholders from conducting business in their privately-owned enterprise ).

Judge acts have served to defame the characters of the Plaintiffs in County Superior Court Case No. CV2010

Judge acts have served to blacklist the duly-elected Board of Directors (February 2010) of to the administration of that enterprise.

Judge Soos's acts have intentionally inflicted emotional as well as financial distress onto the Plaintiffs (CV2010 ).

Judge by his acts in the capacity of Pro-Tem Judge in the Superior Court, as well as his capacity as an attorney of law, has encouraged and condoned a violation of the Fifth Amendment to the United States Constitution as well as the Arizona Constitution by allowing **private property to be taken for public use without just compensation.**

Due to Judge judicial prowess, has no recognized Board of Directors, in violation of Articles of Incorporation and the Bylaws of the Company. It appears Judge has accomplished something for his employer, County.

The case CV2010- started out as a minor JP case (Case No. CV2010 assigned to as the Justice of the Peace. is an attorney of law licensed in the State of Arizona). The case (complaint) was filed against the Board members as individuals and their individual acts in violation of the Bylaws of Article IX Record Inspection Section 1. Right to Inspect Company Records

(reference page 2 of this complaint) Also, Defendant statement on September 26, 2010, page 4, lines 3-4:

**"The fourth lawsuit that was filed was filed against the board members as individuals, I believe."**

**The Fifth Amendment of the Constitution of the United States states:**

**"...not be deprived of life, liberty, or property, without due process of law..."**

When Judge was confronted with removal of an attorney due to Ethical Rules, the subject went over his head, and he recused himself with parting comments about me, I wasn't even a party to the complaint other than a member whose rights under the Bylaws contract have been violated. I never attended the hearing and didn't hear slanderous remarks about me (but they're on tape and the remarks were related to me by the Plaintiffs in the case).

In a previous matter of an eviction from a house we rented out in attorney of Ahwatukee came down to on our behalf. At that hearing, and in a crowded courtroom, Judge went on a tirade to attorney about me, ending that he recused himself. The point I make is I believe Judge vendetta towards me might have bled over to the Superior Court and Judge Pro-Tem and poisoned his mind against the Plaintiffs in the case.

Both attorneys will testify to tirades about me.

A second JP, and possibly a third JP, recused themselves, and a minor complaint was sent to the Superior Court to become CV2010 as we know. The presiding Judge recused himself, and the case was reassigned to Pro-Tem Judge

As you can see, this is a hot potato case, and stopping the release of documents to members is a priority for the County and the (So far nearly \$100,000 in attorneys' fees and costs have been spent in defending and/or attempting to get the files released.)

Upon arrival at the Superior Court attorney without the approval or authorization (required in the Bylaws) of members, filed for a Summary Judgment against the Plaintiffs (whom he also represents). He believed the Plaintiffs and their colleagues (cohorts) were harassing the Defendants who were breaking the Bylaws by refusing to release the files and records of the company (private property) and holding them hostage to profit and prevent litigation.