

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-055

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Judge:	No. 1463410308A
Complainant:	No. 1463410308B

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**ORDER**

The complainant alleged a superior court judge was biased against him, slandered him in a minute entry order, and engaged in improper ex parte communications with the opposing party and a county attorney.

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 and several minute entry orders in the case in question, 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: April 19, 2013.

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 April 19, 2013.

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

1 STATE OF ARIZONA March 8, 2013  
Commission On Judicial Conduct  
2 1501 W. Washington Street, Suite 229  
Phoenix, Az 85007  
3

4 Reference: \_\_\_\_\_

5 RE: NOTICE OF JUDICIAL MISCONDUCT

6 Violator: Judge \_\_\_\_\_

7 Damaged Party: \_\_\_\_\_  
8

9 CAUSE OF ACTION

10 On March 1<sup>st</sup> of 2000, a "Deed of Trust and Gift" was recorded as number:  
11 \_\_\_\_\_ showing \_\_\_\_\_ as Trustee. Upon taking possession of the property,  
12 the police were called and verified the Deed was recorded, then stated to  
13 : "LOOKS LIKE YOU GOT YOURSELF A HOUSE", then drove away.

14 The subsequent events and the normal life circumstances of the property  
15 and \_\_\_\_\_ respectively, steered \_\_\_\_\_ away from the concerns of  
16 the property for many years until the Summer of 2011, wherein  
17 Filed a "Quiet Title Action" (QTA) and recorded a \_\_\_\_\_ in accordance with  
18 ARS 12-1103, \_\_\_\_\_ respectively.

19 The defendant was " \_\_\_\_\_ LLC" as shown as the "Grantee" in the records of  
20 the County recorder with "Special Warranty Deed" # \_\_\_\_\_ recorded on April  
21 20, 2000, 50 days after the above Trust Deed.

22 The creator of \_\_\_\_\_, \_\_\_\_\_, ignored the 20 day notice  
23 with the blank Quit Claim Deed, but when he received the Complaint, he notified \_\_\_\_\_  
24 that he would settle the claim if \_\_\_\_\_ could prove the claim, as \_\_\_\_\_  
25 forgot to send a copy of the Deed with the 20 day notice as the standard pro-  
26 cedure. Subsequently \_\_\_\_\_ sent \_\_\_\_\_ a letter with the Deed. Instead  
27 of Settling \_\_\_\_\_ claim, \_\_\_\_\_ hired an attorney - a \_\_\_\_\_  
28 who filed a "Motion to dismiss" relating how \_\_\_\_\_ acquired the property and how

1 there was no evidence that \_\_\_\_\_ had any claim to the same, thus did not  
 2 focus on \_\_\_\_\_ deed, save its non-existence.  
 3 \_\_\_\_\_ responded with a "Motion to Strike" due to Mr. \_\_\_\_\_ not the  
 4 defendant, and because \_\_\_\_\_ was not an attorney, then he was only  
 5 no obligation to play the "Fiction" game. And due to \_\_\_\_\_ LLC's  
 6 Failure to answer the complaint within 20 days, \_\_\_\_\_ applied for a  
 7 "default hearing", but was told there was an answer. \_\_\_\_\_ explained  
 8 his position then let it go. Some few weeks hence however,  
 9 received a phone call letting him know that a default hearing was scheduled  
 10 for December (2011). However, \_\_\_\_\_ was in prison to finish up his  
 11 last two months of that sentence and could not attend the hearing.

12 Before going to prison, the case was assigned to the Honorable Judge  
 13 \_\_\_\_\_ who eventually scheduled an "Oral Argument". Mr.  
 14 withdrew from the case, apparently due to Mr. Gardner not wanting to pay  
 15 him to argue the case. \_\_\_\_\_ then, came from Pacific Palisades, California  
 16 to argue for \_\_\_\_\_

17 The oral argument was scheduled to last one hour, but only lasted  
 18 about 10 minutes. \_\_\_\_\_ gave a brief history of the property from his  
 19 perspective, and \_\_\_\_\_ did as well, but also mimicked what  
 20 theme was about no evidence of \_\_\_\_\_ claim, notwithstanding  
 21 \_\_\_\_\_ having filed into the record a certified copy of the Deed.  
 22 \_\_\_\_\_ was a little nervous in this foreign environment, and not the best  
 23 debator, and could have been a little better prepared, but the central issue of the  
 24 "Race Notice Statute" providing that the person who records first, without notice  
 25 of prior unrecorded claims, has priority, was at least made clear, as well as the  
 26 fact that the deed was never found to be invalid under ARS 33-420. The Oral  
 27 Argument concluded.

28 The purpose of this complaint has to do with the subsequent "Minute

1 Entry 'Order'. With \_\_\_\_\_ as the plaintiff and \_\_\_\_\_ not only failing  
 2 to show a Superior title within 20 days, or quit his false claim with the  
 3 blank "Quit Claim Deed" provided, or settle \_\_\_\_\_ Deed, and the  
 4 complaint a kind of default judgment in and of itself, from no response from  
 5 the 20 day notice; yet, in the "Minute Entry", Judge \_\_\_\_\_ took it upon  
 6 himself to slander \_\_\_\_\_ title by calling it a "Fraudulent Deed". This  
 7 was a "Quiet Title Action" pursuant to ARS 12-1103, not an "Invalid Lien" action  
 8 pursuant to ARS 33-420, thus, no one was asking for \_\_\_\_\_ opinion.  
 9 To further illustrate Judge \_\_\_\_\_ incompetency, he ordered  
 10 \_\_\_\_\_ Deed removed from the County recorder and actually believed that was  
 11 possible to do until the County Attorney's Office on behalf of the County Recorder,  
 12 filed a "Motion For Relief of Order" due to the inability of the County Recorder  
 13 to remove any recorded documents, and cited a certain case that was upheld  
 14 by the Appellate Court, of which cannot be cited herein due to not having it readily  
 15 available with \_\_\_\_\_ current incarcerative status related to this Civil  
 16 "Quiet Title Action": \_\_\_\_\_ . The only action that can take place  
 17 with a "False Recording", assuming the aggrieved party sues pursuant to ARS-  
 18 33-420, and is successful in proving the recording is either "materially  
 19 mis-stated", "False", "Groundless", "Forged", or "Invalid", is to record the "Order"  
 20 from 33-420 along with it.  
 21 To correct his mistake, Judge \_\_\_\_\_ scheduled a telephonic con-  
 22 ference with \_\_\_\_\_ and a lady from the County Attorney's  
 23 Office, the sole purpose of which was to remove the language in the Order  
 24 about removing the "Fraudulent Deed" from the recorder, but still slandered  
 25 \_\_\_\_\_ Deed as said above with the use of the word "Fraudulent". The  
 26 Judge also practiced law from the bench and gave legal advice to Mr.  
 27 \_\_\_\_\_ by not removing the language in the "Minute Entry 'Order" how  
 28 \_\_\_\_\_ should record the Order.

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1 It was very obvious from the demeanor of the language between  
 2 the County Attorney that there were previous ex-parte communications. Rule 2.9.A.  
 3 In spite of this entire event with the Judge failing to disqualify himself (Rule 2.11.A.1,  
 4 2(b)) for being bias against \_\_\_\_\_, it turns out that Mr. \_\_\_\_\_ never recorded  
 5 the "Order", at least not under \_\_\_\_\_  
 6 or \_\_\_\_\_ rendering this entire fiasco almost a moot point.

7 The reason however, for this Complaint, is that Detective \_\_\_\_\_ of the Maricopa  
 8 County Mortgage Fraud Task Force, took the language in the Order (e.g. "Fraudulent Deed"  
 9 etc) as well as coercing Mr. \_\_\_\_\_ into agreeing to be a victim in order to justify turning  
 10 this Civil case into a criminal of "attempted Fraudulent Schemes", a class 3 Felony ;  
 11 Whereas \_\_\_\_\_ succored two other persons in an almost identical Civil action on  
 12 another property to become victims as well causing \_\_\_\_\_ to be detained in jail  
 13 for 10 months and counting with a \$250,000.00 bond, leaving his mentally-ill ex-wife, who  
 14 recently suffered a stroke and now blind in one eye, and his 8 year old son, to fend  
 15 for themselves.

### 16 CONCLUSION

17 The Honorable Judge \_\_\_\_\_ has violated the CODE OF JUDICIAL  
 18 CONDUCT © Rules: 2.6(B), 2.9(A), 2.11(A)(1)(2)(B), and 3.10 at minimum. He  
 19 is either grossly incompetent, or intentionally deceptive. He should be removed  
 20 from the Bench, as his actions has caused \_\_\_\_\_ damage both directly and  
 21 indirectly through \_\_\_\_\_ who either doesn't know the difference between  
 22 Civil and Criminal, and a mortgage and a claim, or chooses not to in order to  
 23 engage in Barratry (e.g. Vexatious incitement to litigation).

24  
 25 Thank you For your Cooperation.  
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