State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-215		
Judge:	No. 1065714746A	
Complainant:	No. 1065714746B	

ORDER

The complainant alleged a justice court hearing officer would not accept his evidence or listen to his defense in a small claims case. He believes he may have been discriminated against because of his foreign name.

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

Dated: September 19, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer Executive Director

Copies of this order were mailed to the complainant and the hearing officer on September 19, 2013.

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

CONFIDENTIAL

State of Arizona Commission on Judicial Conduct 1501 W. Washington Street, Suite 229 Phoenix, Arizona 85007 **2013-215**

COMPLAINT AGAINST A JUDGE

Your name: /	Judge's na	nme	Date: 7/24/13
words what the judge of times and places that v	lid that you believe constitutes jud	icial misconduct. Be spe erns. You may attach add	plaint. Please describe in your own cific and list all of the names, dates litional pages but not original court omplaint for your files.
, who is a court ap	pointed hearing officer, presided over the small c	laims hearing that I was involved in	on September 11, 2012. My case was in regards
to a landlord/tenant	dispute involving my tenants w	ho moved out of the p	roperty, caused damage to my
home and then sued me fo	r a the portion of the deposit I kept for dar	mages. Upon entering the hea	ring room, it was very clear
was not interested	I in hearing my side of the s	tory. I spent hours of	of my time preparing a large
binder full of recei	pts, pictures, invoices to sho	ow the damages my	tenants caused.
did not even glance at	them. She did not use any legal s	tandard to determine who	was responsible for the damages.
Additionally, she question	ed every receipt I had and even disreg	arded expert written stateme	ents about damages. She had no basis
by which to determine se	omething was normal wear and tear.	She allowed my tenants to	interrupt me throughout the hearing,
even though I did not into	errupt once. It was very clear through	out the hearing that she did	I not want to hear my side of the story.
My tenants filed bankru	ptcy during their lease and had seve	re financial problems, moti	vating them to sue me for any money
they could get, they used bullying	ng tactics and harassment to get money from me	e but none of this was considered.	They had 6 children in the home and two dogs.
The liklihood of living	in a home for two years and no	t having a dollar deduc	ted from the deposit is very slim
(tenants were suing n	ne for the entire amount I deducte	ed even though they red	eived most of their deposit back).
The evidence was subs	tantial against them and	took the time to listen to	the facts and remain unbiased, using
some type of standa	ard in her decision, I believe it v	was clear that I approp	oriately and fairly deducted from
the damages. This is r	not about the money, it was a minim	al amount, and it is not al	oout the decision going in my favor,
it is about making	sure that the judicial proces	ss is not biased and	allows for the public to feel
that matters are h	eard based on some type o	f law, not based on	whether the hearing officer,
likes you or not. I would hate	to believe that because I have a foreign na	me and did not look like my whi	te tenants that I cannot expect a fair hearing,
yet made me feel that	at way by how she handled the proceedings. It's	s a matter of principal and I feel it i	s important for me to bring this to your attention.
I believe that	should be aware of	behavior and that heari	ng officers are trained and evaluated to
use some type of	legal standard, and that the	re is some accounta	bility for their decisions. If
any person with a	ny legal training had observ	ed my hearing, it wo	ould have been clear that
it was conducted with disr	egard for the legal system and for the p	arties involved. I appreciate	review hearing etiquette
and ask that she not be	e allowed to conduct small claims	hearings based on her la	ck of impartiality and legal training.