

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-262

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Judge:	No. 1090514779A
Complainant:	No. 1090514779B

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**ORDER**

The complainant alleged a superior court judge was partial in favor of his ex-wife in his dissolution proceeding, should have recused himself, and abused his power throughout the proceeding.

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 review, 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 court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 27, 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 December 27, 2013.

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

STATE OF ARIZONA  
COMMISSION ON JUDICIAL CONDUCT

COMPLAINT

Case No.

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COMPLAINT AGAINST:

HONORABLE  
MARICOPA COUNTY SUPERIOR COURT JUDGE

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STATEMENT OF CASE

The matter of \_\_\_\_\_ a \_\_\_\_\_ Superior Court  
Action for a \_\_\_\_\_ With Children, with the  
Honorable \_\_\_\_\_ as the \_\_\_\_\_ over the case is the  
matter from which this Complaint rises.

The case, to ( "Complainant" ) estimation is considered a high conflict divorce. There were many complicated and emotionally driven issues, which should have or could have been handled completely different by both Parties had both the knowledge and awareness of the emotional impact Court proceedings can have on families. Both Parties, and at all times, were represented by Complainant primarily following the advice of his legal counsel and presumably the mother was as well.

The Honorable [REDACTED] is a tenured attorney with more than [REDACTED] of experience as a private [REDACTED] and in excess of [REDACTED]. His experience, knowledge, and understanding of the Arizona Court System, statutes, and applicable rules are undeniable and indisputable.

This Complaint arises from Judge \_\_\_\_\_ using his position in such a gross and negligent manner against this Complainant which caused Judge \_\_\_\_\_ to veer away from being an

to a zealous opponent of the Complainant and using his authority and position as a Judicial Official in a manner which appears to violate every reasonable rationale and principal as to why one takes their issues before a disinterested entity such as a

1 Court system.

2 It is this Complainant's position Judge excessively  
3 used his authority as a Judge to deprive this Complainant of his  
4 Due Process rights, punitively deny him parenting time, improper  
5 use of debtors prison, violation of Civil Rights, holding this  
6 Complainant in perpetual Contempt with no realistic way for to ever  
7 be complaint since it exclusively relies on others, which  
8 Complainant has not control over, to be Complaint, mismanagement  
9 of documents, making disparaging comments directly to and about  
10 the Complainant, permitting others, viz, the initial

11 to make disparaging comments about Complaint to his children  
12 with no judicial intervention to quell such devious acts.

13 When one objectively reviews and weights this Complaint it  
14 appears the conduct and actions taken by the Court were more likely  
15 deliberate and concentrated to contribute to cause dire  
16 consequences to the Complainant both financially and personally.  
17 The Honorable failed to maintain impartiality; would  
18 direct Complainant to follow certain Orders, and not worry about  
19 compliance of other Orders as much, than, in violation of both Due  
20 Process, and against his own Orders and communications hold  
21 Complainant strictly liable and compliance of all his Orders. At  
22 the same time he would permit Mother not to be held to any  
23 accountable or equitable standard as that of this Complainant,  
24 would permit a to make disparaging remarks about the  
25 Complainant to the Parties children, continued to demonstrate his  
26 disdain for the Complainant and the Parties children from which

1 this matter arises by refusing to restore an equalized parenting  
2 time schedule although it was in the children's best interest and  
3 strongly requested by the Best Interest Attorney (BIA).

4 Judge used his position, as a Judge, to forum shop for  
5 a Judge he exclusively wanted to preside over his alleged criminal  
6 contempt allegations against this Complainant, instead of  
7 reassigning the case to the Presiding Judge of Family Court as  
8 would appear procedurally prudent.

9 The allegations alleged will be substantiated by the record,  
10 court pleadings, minute entries, public records, interviews and  
11 affidavits. Just one of these allegations, if confirmed by this  
12 Commission to be true to a judicial standard substantially and  
13 severely erodes the natural confidence the general public should  
14 have in it's judicial system, let alone if multiple allegations are  
15 substantiated as it would lead to a complete deterioration of the  
16 public's confidence in the system if not substantially, firmly,  
17 appropriate remedied, and forever corrected.

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Immediately after the Mother was properly served the Dissolution Action, Mother, unbeknownst to Complainant, filed an Order of Protection ("OOP") against the Complainant, but did not serve it on him for at least a week thereafter.

From Mother, without Court Order, agreement, consent or any other governing authority unilaterally kept the Parties children from Complainant days.

1           On                           the Court held an RMC, unrelated to the  
2 request for Temporary Orders. During the RMC, it was stipulated  
3 that Dr.                   would be the appointed Custody Evaluator ("CE").  
4 The Complainant, after                   of unilaterally being denied any  
5 type of access to the Parties' children by Mother, and without  
6 Mother ever showing any good cause for her unilaterally denying the  
7 Parties children to exercise, at least, minimal parenting time with  
8 Complainant, the Court grants Complainant and the Parties children  
9 minimal parenting time with each other at Mother's request.

10           On or about                   the Court Ordered a Mr.  
11 a professional business evaluator, to perform a forensic valuation  
12 of the various business entities of the Parties in support of the  
13 case.

14           On                   , Dr.                   the CE, completed and submitted  
15 his Report to the Party's respective counsel and the Court. Dr.  
16           Report made it           unambiguously clear at least           of the  
17 Parties eldest children individually and collectively desired more  
18 parenting time with Complainant<sup>2</sup>.

19           On                   the Court held a Temporary Orders  
20 Hearing, almost                   from the day of the initial filing  
21 for it. During the Hearing, the Court was to determine on a  
22 temporary basis, child custody, parenting time, child support,  
23 spousal maintenance, division of liquid assets. The Court also  
24 \_\_\_\_\_  
25  
26  
27  
28



1 issued specific Orders to the Parties as it relates to not making  
2 disparaging comments of the other in front of the children. (See  
3 Exhibit 1, page 6, ¶ 3)

4 On Mother kicked the eldest Parties child out  
5 of her residence, literally on the street, with a bag of cloths,  
6 and advised the child to go live with Complainant prior to the  
7 release of Temporary Orders.

8 Mother also signed a paper authorizing Complainant full  
9 custody of the Parties child as she communicated she was no longer  
10 interested in having any type of relationship with her eldest son.  
11 (See Exhibit 2)

12 On Mother and the Parties eldest child were  
13 involved in various acts of domestic violence against each other.  
14 During the as the police are arresting the  
15 Parties eldest child Mother was screaming to the police "[they]  
16 freankin' striped him down and violate his every right," from that  
17 date to current, the Parties eldest child has not exercised any  
18 type of parenting time with Mother. (See Exhibit 3)

19 the law firm of  
20 withdrew as Counsel for Complainant without timely notice.

21 On the Court issued a Minute Entry from  
22 its Temporary Orders Hearing and Ordered the Parties  
23 Joint Custody, as an evaluation period, a joint parenting time  
24 scheduled, temporary child support, a denial of spousal

1 maintenance, and a denial of the division of liquid assets. The  
2 Orders fails to recognize the Parties eldest child lives  
3 exclusively with Complainant.

4 The primary reason the Court denied the division of liquid  
5 assets is because Mother could not successfully demonstrate to the  
6 Court the difference between marital income compared to that of  
7 proceeds of business loans, HELOC, and no liquid assets. Further,  
8 the Minute Entry included language which directed neither Party to  
9 make any disparaging comments of the other Party in the company of  
10 the Parties children.

11 the Maricopa County Juvenile Probations  
12 Officer advised the Parties that their eldest child  
13 would not be turned over to Mother, the child was temporarily in  
14 State's custody based on Mother's criminal charges and acts of  
15 domestic violence against each other.

16 On the Court released a Minute Entry  
17 reaffirming Mother had exclusive use of the Parties' primary  
18 residence and was completely obligated to pay the monthly mortgage  
19 payments, and all associated utilities costs.

20 On Complainant filed a Contempt Action  
21 against Mother for not paying any and/or all of the mortgage and  
22 ancillary costs as required per the Court's Temporary  
23 Orders Hearing and reaffirming Minute Entry dated

24 On the Court held a teleconference again  
25 instructing Mother to pay the mortgages and utilities of the home  
26 she has exclusive control and use over.



1 of their desks. It is unknown where or how the envelope was placed  
2 there<sup>4</sup>.

3 On the Complainant was defectively served in  
4 Open Court, during the already scheduled Evidentiary Hearing for the  
5 Dissolution of Marriage, the Court's Minute Entry against  
6 Complainant for an alleged violation of order,  
7 and communicated a tentatively scheduled a Contempt Hearing for  
8 the allegations for At no time, as required by  
9 Rules was there an Order to Appear or the ancillary documents  
10 provided to the Complainant for such an action.

11 On the Court presented a Minute Entry citing  
12 how it determined this Complainant was in Direct Civil Contempt of  
13 the Court's Order. (See Exhibit 4)

14 On the Court issued its Dissolution Decree.  
15 The Decree included the appointment of a  
16 and outlined the Court's Direct Civil Contempt  
17 punishment against Complainant by the Court, after it somehow made  
18 a determination, without ever Hearing a witness, including the  
19 person(s) who made the CSR, which the Court was exclusively relying  
20 on to hold this Complainant in Contempt for being in violation of  
21 the Temporary Orders. The Order also included  
22 payment requirements from Complainant to Mother for Child Support  
23 and appointment of  
24 and division of property. (See Exhibit 7)

1           On                           Complainant timely files a Motion for New  
2 Trial. The primary grounds for a Motion for New Trial are: 1.  
3 Court did not permit the release of                           Mother  
4 was/is dating                           which caused and  
5 continues to cause substantial instability for the Parties  
6 children; 2.                           was never produced for the Court  
7 and the Parties to correctly use in support of the Scheduled  
8 Evidentiary Hearing, although the Court attempts to use, in part,  
9 incomplete data from the Report in his Dissolution Decree; 3.  
10 Attorney Client conflict; 4. Irregularity of Court Proceedings.

11           On or about                           Mother, by and through her legal  
12 counsel files a Motion for Reconsideration primarily pertaining to  
13 the distribution of residential property from the  
14 Decree Order, and clarification of Holiday Schedule.

15           On                           the Complainant filed a Motion to Compel,  
16 requesting the Court direct Mother, who had been exclusively living  
17 in the primary residence of the Parties residence since the  
18 beginning of                           to produce all of the property which  
19 was suppose to be appropriately divided, per The Decree, between  
20 the Parties. Alternatively, the Mother while vacating the primary  
21 residence per the Decree, sold, took and/or gave away approximately  
22           in tangle property of Complainant. It was also observed  
23 and recorded that Mother caused an estimated                           in physical  
24 property damage as she moved out of the residence.

1           On                           the Court appointed  
2   who filed her initial Report  
3 to the Court as to the status of her progress in the unification  
4 process. On or about                   the Complainant timely  
5 filed an Objection to the Report produced by the

6           On                           the           submitted a communication to the  
7 Court, which had/has the appearance of the           unauthorized  
8 practice of law (UPL), and Judge           does not enforce the Decree  
9 dated                           regarding the release of           medical  
10 records. (See Exhibit 5, 7)

11           The Court released a Minute Entry or           granting  
12 Complainant's Motion to Compel and setting an Evidentiary Hearing

13                           The Court also Ordered and communicated in the  
14 same Minute Entry, on its own Motion, the Parties' can seek a  
15 modification of Child Support, which the Complainant pursued as  
16 Mother has not provided any financial resources, for the care of  
17 the Parties                           a substantial change  
18 in the financial circumstances of Complainant and not being  
19 properly apportioned all medical cost between the Parties. (See  
20 Exhibit 8)

21           The Complainant timely filed a Pretrial Statement<sup>6</sup> with all  
22 supporting exhibits in support of the scheduled Hearing to the  
23 Motion to Compel, for                           including a current  
24 support worksheet.

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On or about \_\_\_\_\_ the Complainant filed a motion with the Court for the removal of the currently assigned PC.

On \_\_\_\_\_ based on the Pretrial Statement submitted by the Parties, the issues which were suppose to be addressed as directed by the Minute Entry dated \_\_\_\_\_ Enforcement of Division of tangible property as directed by Court Ordered dated \_\_\_\_\_ The Respondent posting a security bond for the division of property; 3. Modification of Child Support/Spousal Maintenance.

However, during the Hearing, the primary focus became the issue of Complainant paying the currently assigned maintaining a retainer of , which was deficient by only at that time, and if the Complainant should be held in Contempt of the previous Order, and communications by the Court. The Court scheduled a new Hearing for the original issues of that Hearing for

On after the Court already receiving information from Mother's attorney during the Hearing, evidence, that from the very beginning of this Action, the Complainant was immediately removed from the primary residence where he lived with an inability to gain any property or personal items, video and pictures showing Mother removing property from the residence which had a collective value of approximately and property damage in the approximate amount of

The Court determined it could not enforce its Decree Order

1 against Mother and decided that any property the Parties already  
2 have in their possession was appropriate, and so Ordered, thus  
3 modifying its Decree Order which was suppose to be a fair and  
4 equitable distribution of property is now lope-sided.

5 Also, during the same Hearing the Court would 'again' not Hear  
6 the Modification of Child Support it moved for on its own during  
7 the Order, nor enforce Mother timely signing deeds  
8 to Complainant per the Decree.

9 On the Court, held this Complainant in  
10 Contempt, with incarceration, including releasing the Parties  
11 eldest child to Mother, who the each of them having committed  
12 various acts of domestic violence against each other, had not  
13 exercised any type of parenting time with each other for the  
14 previous 18 months, have a very volatile relationship which  
15 includes multiple physical confrontations which lead to an arrest,  
16 incarceration, and adjudication of the Parties eldest child.

17 The Court's finding in Contempt on and  
18 incarceration thereafter is for a debt owed to the currently  
19 assigned for a deficiency of which originally arising  
20 from a Court contempt remedy dated A friend of the  
21 Complainant paid the deficient plus a new minimal retainer of  
22 retainer / debt owed to the to stop the  
23 against this Complainant.

24 During a Hearing, the Court placed the  
25 Report produced by the dated as a  
26 Confidential Report. During this same Hearing, the Court appointed  
27  
28



1 a Best Interest Attorney ("BIA"), to the matter.  
2 During this Hearing, the Court, asked the Complainant specific  
3 questions in regard to the , at the time, because the  
4 Complainant did not see the Report produced by the , and could  
5 not fully read and appreciate the contents of the Report on the  
6 spot in Court at the time. Complainant declined to comment in Open  
7 Court, but answered the questions in a submitted motion. (See  
8 Exhibit 10)

9 Or this Complainant, after learning that the  
10 currently assigned ' , had been making specific  
11 disparaging, discrediting, and factually false statements about  
12 Complainant to the Parties' children with no other apparent reason  
13 than to create or cause turmoil or adversity in a substantially  
14 stable relationship between Complainant and the Parties children,  
15 this Complainant requested the to be removed from the matter.

16 On the Court held another Hearing, during this  
17 Hearing, the newly appointed BIA, who after conducting an  
18 exhaustive interview of the Parties children, expressed to the  
19 Court the need for there to be a new T.I. appointed to the matter,  
20 there should be an immediate restoration of the equalized parenting  
21 time schedule between Complainant and his children. There is  
22 substantial escalation between children and Mother, the returning  
23 children to an equalized parenting schedule would stabilize the  
24 children and the volatility they are experiencing with her. The  
25 Court outright declined the BIA's request for returning the  
26 children to an equalized parenting time schedule. The Court also

1 declined to remove the            and refer her to the behavioral health  
2 board, as he alleged he addressed such issues in his  
3 Minute Entry, although Complainant's request came  
4 with no counter arguments from Mother. However, the Court<sup>7</sup>  
5 did appoint a new            after a presentation of strong arguments by  
6 the            (See Exhibit 11).

7 On            the Court held, what was originally a  
8 minute Return Hearing, unexpectedly turned into a  
9 Evidentiary Hearing with the admittance of evidence, although no  
10 Notice of such was advised to either Party.

11 This Complainant did not, and was not made aware a  
12 Status Hearing was going to turn into            Evidentiary Hearing.  
13 The Complainant was not made aware by the Court it was going to  
14 modify the property portion of the Decree, based on the unannounced  
15 Evidentiary Hearing it held that same day. During this Hearing the  
16 Court determined at some point during the previous Evidentiary  
17 Hearing, presumably, the            and            Hearing that  
18 the Complainant either provided it false information or mislead it  
19 in regard to or allowed it to be mislead<sup>8</sup> in the division of such  
20 property. The Court enjoined the Parties from dissolving any other  
21 property until after an Appellate review by this Court.

22 During this same Hearing, although to date of the filing of  
23 this Complaint, the Court has not held the Modification of Child  
24 

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1 Support Hearing it said it would and first made available to the  
2 Parties on its own account. The Court held  
3 Complainant in Contempt for not timely paying Spousal Maintenance,  
4 un-reimbursed medical bills, timely paying child support, which  
5 roughly is in excess of the continual cost of  
6 the , all cost associated with the BIA while this Complainant  
7 only earns per month. It was also determined by the  
8 Court that the Complainant's inadvertent error of scripting [but  
9 not numerically], an incorrect amount on the check, was deliberate,  
10 malicious, and willful, and the Complainant was in Direct Criminal  
11 Contempt of the Court, as an MCSO deputy stood next to Complainant  
12 dangling hand cuffs while drafting the check.

13 The Court referred the Criminal Contempt to the Honorably  
14 who has a tentative scheduled Hearing date for  
15 Judge has been called as a witness to  
16 the criminal contempt, and is being requested for depositions. The  
17 Honorably , has been asked to remove himself from this matter  
18 as he will be a witness, deposed to the very case he presides over.  
19 The Court declined to recuse himself.

**Issues Presented.**

I.	Rule 6 - Rules of the Commission on Judicial Conduct.....	20
II.	Violation of Rule 81 Arizona Code of Judicial Conduct Canon 1.2.....	39
III.	Violation of Rule 2.2.....	40
VI.	Violation of Rule 2.3.....	41
V.	Violation of Rule 2.4.....	41
VI.	Violation of Rule 2.5.....	44
VII.	Violation of Rule 2.6.....	44
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1 Argument

2 I. Rule 6 - Rules of the Commission on Judicial Conduct.

3 Pursuant to Rule 6 of the Arizona Rules of the Commission on  
4 Judicial Conduct there are various grounds for which this  
5 Commission can review and investigate the actions and performance  
6 of a Judge. It is the belief of this Complainant that the Honorable  
7 is in violation of the following:

- 8 1. Willful misconduct in office;  
9 2. Willful and persistent failure to perform judicial  
10 duties; and,  
11 3. Conduct prejudicial to the administration of justice that  
12 brings the judicial office into disrepute.

13 Also when we look at Rule 7 of the Arizona Rules of the  
14 Commission on Judicial Conduct, we see that it advises the  
15 Commission to disregard [or not take action] for a judge for  
16 certain inadvertent errors. However, the rule also states, that  
17 the Commission should not disregard such findings or conclusions  
18 constitute such an abuse of discretion as to otherwise violate one  
19 of the grounds for discipline described in these rules or the code.

20 This Complainant alleges the following against the Honorable  
21

22 **Count 1.**

23 On and

24 after repeatedly providing Orders directing the Mother to  
25 comply with its Orders to pay the monthly mortgage of the primary  
26 residence which she was occupying, and never showing or arguing an  
27

1 inability to pay such cost. Mother refused, and after the  
2 Complainant had sought relief from the Court by means of an Order  
3 to Show Cause, the Court declined to enforce its own Orders to  
4 Mother, as it relates to her being obligated to paying the mortgage  
5 on the residence she had exclusive use and control over for  
6

7 The Complainant was obligated and incurred fees and cost in  
8 excess of for Mother's failure to pay mortgage and  
9 utilities. The Court's unwillingness to enforce its own Orders,  
10 issued to Mother and enforce her to make these payment was directly  
11 and exclusively to the detriment of this Complainant<sup>9</sup> and the act  
12 was never properly remedied or resolved. (See Exhibits 12)

13 **Count 2.**

14 On or about Conciliation Services,  
15 provides the Court a Report, in support of the matter. However,  
16 and according to the Conciliation Services, the Report was  
17 inadvertently put in the wrong Judges office and it sat there in  
18 excess of Once, the error was realized, and to this day  
19 the Complainant is not fully aware why it took so long to correct  
20 the error, or why it took so long for the Court to give Notice to  
21 the Parties of the error. The Court, without providing the  
22 required time allocations to object to the Report exclusively used  
23 the Report to hold this Complainant in both Civil 'punitive'  
24 Contempt which ultimately lead sustain loss of parenting time and  
25

1 debtors prison.

2       The use of the CRS by the Court for trial and contempt  
3 proceeding, without ever providing an opportunity to object and  
4 cross the creator by the Parties and the Court is a serious  
5 violation of Complainants' due process and Civil Rights since it  
6 was prejudicially used against Complainant for Debtors prison and  
7 other perpetual contempt punishments.

8  
9 **Count 3.**

10       On                   the Complainant, through his legal counsel,  
11 received the Conciliation Services Report ("CSR"). An Evidentiary  
12 Hearing for the Dissolution of Marriage was scheduled

13  
14       The Court also informed the Complainant in a Minute Entry that  
15 it was going to hold a Contempt Hearing on its own Motion against  
16 the Complainant for violations of this                   Order.  
17 (See Exhibit 4)

18       Rule 92 of Arizona Rules of Family Law Procedure mandate the  
19 protocol for the process of issuing a Contempt Motion and how the  
20 process is suppose to be handled. Although the Complainant  
21 believes there is substantial defects in the Court's compliance of  
22 this procedure to the point that it never perfected an actual  
23 Petition of Contempt and Order to Appear against this Complainant,  
24 there are graver concerns to point out, though, in the totality of  
25 this department's review, such a concern should be thoroughly  
26 investigated for wrong doing.

1       The Court, after all of the alleged unusual circumstances  
2 surrounding the CSR, as described in Count 2, did not provide a  
3 copy of the CSR until one business day before the Evidentiary Trial  
4 for Dissolution of Marriage, then releases the CSR one business day  
5 before Trial, and verbally directs a Contempt Petition against  
6 Complainant it never actually ever produces or properly delivers  
7 pursuant to Rule 92, let alone permit Complainant or his legal  
8 counsel sufficient amount of time to prepare for a Contempt Hearing  
9 or a timely objection to the CSR, or an opportunity to call the  
10 creator of the CSR as a witness or to clarify the CSR. The action  
11 taken by the Court provides a very disturbing impression upon this  
12 Complainant of the intentions of the Court in its duty of the  
13 administering justice by not ever calling the creator of the CSR to  
14 testify about the document the Court was/is exclusively using to  
15 hold this Complainant in Contempt, not following Rules of Procedure  
16 for the Contempt Process, and denying the opportunity to face one's  
17 accuser.

18       At no time, as permitted by the Arizona Rules of Family  
19 Procedure, did the Court permit a sufficient amount of time for an  
20 objection to the CSR, or permit the Parties to call the creator of  
21 the CSR to an interview/deposition or as a witness during the  
22 trial. Upon review of Court transcripts there were many issues of  
23 concerns in regard to various aspects of the CSR and it actually  
24 being able to sufficiently substantiate the Court's position  
25 against Complainant in regard to contempt proceedings. ( See  
26 Exhibit 5)



1 During the Hearing of the Court heard  
2 testimony from the Complainant<sup>10</sup> only about the inconsistencies of  
3 the CSR, the questions and answering was completely speculation and  
4 conjecture as neither Party or the Court ever took direct Court  
5 testimony from the creator of the CSR. the  
6 Court issues a Minute Entry that it has found the Complainant in  
7 contempt specifically for his 'the Complainant' conduct relating to  
8 the (See Exhibit 6)

9 In the matter of  
10 the Court distinguished between direct and indirect  
11 contempt. Clearly the allegations alleged by the Court, that this  
12 Complainant was in violation of its Order,  
13 arising from a CSR which has many unusual and concerning  
14 circumstances surrounding it, is an allegation of indirect  
15 contempt.

16 Pursuant to Rule 92, the Court, as the Parties, has a duty to  
17 issue Contempt Proceedings as required and governed by the Rules.  
18 Although this deficiency in the view of the Complainant is serious,  
19 it is not as serious as the total disregard of due process, and at  
20 best, exclusively relying on Hearsay information, the CSR, with the  
21 Court and or the Parties not having been given the opportunity to  
22 question the creator of the document being used exclusively to  
23 hold this Complainant in contempt.

24 The malifications, tenure, experience, and knowledge of  
2 should have easily permitted him to recognize the

---

1 deficiencies in the issuance of the Contempt, and the total  
2 disregard of due process when improperly making findings  
3 Complainant was in contempt of Court.

4  
5 **Count 4.**

6 On the Court, based from the erroneous contempt  
7 proceedings as alleged in Count 3 of this Complaint, The Court held  
8 and continues to hold this Complainant in a perpetual contempt with  
9 a flair of criminal enforcement and absolutely no means for  
10 Complainant to solely remedy the Contempt.

11 Pursuant to Rule 92 of the Arizona Rules of Family Law  
12 Procedure it specifically states:

13  
14 **Rule 92 (A)Applicability.** This rule  
15 governs civil contempt proceedings in all  
16 matters related to family law cases. The use  
17 of civil contempt sanctions under this rule  
18 shall be limited to compelling compliance with  
19 a court order or compensating a movant for  
20 losses sustained as a result of a contemnor's  
21 failure to comply with a court order.

22 The Court determined, as noted in the Decree, that the  
23 Complainant is responsible for all cost  
24 between Mother and the Parties which now has  
25 unilaterally been expanded to includes for the Parties  
26 children. To date, as will be broken down in the other counts this  
27 Complainant has spent in excess of dollars for all

28 (See Exhibit 13)

The Court assumes, based solely on the contempt proceeding

1 findings that the hostilities, and volatility in Mother and  
2 Parties' relationship arises exclusively from the  
3 alleged communications of this Complainant for violation of the

4 To make such an assumption the Court has  
5 to ignore Mother and the Parties child have had a high conflict  
6 relationship from at least the day of filing for a dissolution  
7 action up to the point she kicked him out of her residence. The  
8 Mother and the Parties child had multiple incidences of  
9 domestic violence against each other, several of those acts were  
10 during a time Mother unilaterally kept the Complainant's children  
11 completely away from Complainant. The Mother and child have  
12 multiple police reports including our child being arrested  
13 and adjudicated for acts of domestic violence with Mother. To this  
14 date Mother and child have not exercised any type of parenting time  
15 with each other in excess of neither have shown a true  
16 commitment or willingness to reconcile any type of relationship  
17 with each other.

18 For clarification, this Complainant does not deny Complaint at  
19 one time made such comments as alleged in the CSR, and he does not  
20 even deny those comments were/are inappropriate, as alleged.  
21 However, the Complainant stopped making those comments long before  
22 the Order by the Court. Complainant recognizes many of  
23 the conversations examples the CSR had in it substantially mirrored  
24 the Report which was completed or However,  
25 to hold Complainant in sole and perpetual contempt for the conduct  
26 of Complainant has no direct control over is improper  
27

1 and violates the very compliance purposes of civil contempt  
2 proceedings.

3 Civil contempt is remedial and the contemnor carries, "the  
4 keys of their prison in their own pockets,"

5 thus a civil contemnor, " is  
6 always purged of the civil contempt and coercive force when he or  
7 she complies with the Court Order,"

8 Criminal Contempt is found solely for  
9 punishment purposes, and nothing the contemnor can do will free him  
10 or her before the term of the confinement imposed has run. See  
11

12 The Court's sanction against this Complainant is perpetual,  
13 non-corrective and punitive, thus it is a newly formed criminal  
14 contempt by own design and against the Rules of  
15 Procedure for dissolution matters.

16 The qualifications, tenure, experience, and knowledge of  
17 Judge should have easily permitted him to recognize the  
18 sanctions he imposed against this Complainant is improper,  
19 significantly exceeds his judicial authority in a dissolution  
20 matter.  
21

22 **Count 5.**

23 On after the Court was in receipt of a  
24 Report from Dr. which recommended the Parties share in an  
25 equalized parenting time schedule, the Court issued an Order in  
26 regards to an equalized parenting time schedule.  
27

1 As noted in the Dr. Report, and not disputed by either  
2 Party, Mother kept the Parties children from Complainant in excess  
3 of days, and at no time was admonished by the Court or  
4 sanctioned for the malicious act. The Dr. Report<sup>11</sup> clearly  
5 communicates the Parties children want an equalized parenting time  
6 scheduled between both Parties and them. The Report did note the  
7 high conflict of the Parties as well.

8 The Temporary Order issued was highly  
9 detailed as it relates to all issues the Court considered in  
10 support of its decision as it relates to parenting time, custody,  
11 and temporary spousal maintenance, child support, and use of the  
12 primary residence. (See Exhibit 1)

13 The Final Decree Orders issued substantially  
14 reduces the parenting time of this Complainant and failed to remedy  
15 Mother's failure to pay Court Order mortgage and utility payments,  
16 which was/is to the direct detriment of Complainant.

17 Or Mother, in her Pretrial Statement took a  
18 position of maintaining an equalized parenting time scheduled  
19 between the Parties and our children.

20 When you compare Exhibit 1 with Exhibit 7 as it relates to the  
21 determination of child custody and parenting time, with the  
22 exclusion of the Court's opinion of this Complainant as it relates  
23 to A.R.S. § 25-403(2), and (6), in the Final Decree, there is  
24 nothing cited by the Court or Mother as to why there was or a need

25 \_\_\_\_\_

1 for a substantial reduction of parenting time between the  
2 Complainant and his children.

3 It is this Complainant's opinion based on the events, time  
4 line, the Temporary Orders, Decree Orders, and the factors the  
5 Court established in support of those Custody and Parenting Time  
6 Orders that the Court awarded Mother Sole Custody of the Parties  
7 children and substantially reduced Complainant's parenting time  
8 with the Parties children based on its assertion of this  
9 Complainant's contemptuous actions as stated in the Final Decree §  
10 25-403(2), and (6).

11 Even if this Court affirms the finding to assign final  
12 decision making to Mother, the reduction of Parenting Time is not  
13 substantiated by any of the findings of the Court, and appears to  
14 be arbitrary and in direct context with the Trial Court's beliefs  
15 of this Complainant's contemptuous acts and its disdain for this  
16 Complainant.

17 Although we can recognize that Temporary Orders are not Final  
18 Orders, it does establish a sense of the intent or even motive of  
19 the Court. There is no dispute, by Complainant, CSR, and Dr.  
20 Report that an equalized parenting schedule was most desired by  
21 everyone involved. Further, the children, who should have a  
22 substantial say because of age, also indicated they desired an  
23 equalized parenting time schedule. At all times, as acknowledged  
24 by Mother, during the equalized parenting schedule the Parties  
25 children were calm, and performing well, since the removal of an  
26 equalized parenting time, consistency and fluidness for the  
27

1 children has evaporated, so much so the BIA,  
2 immediately asked the Court, but was summarily declined, for a  
3 return to an equalized parenting schedule, during a  
4 Hearing.

5 In the matter of  
6 the father had sought a modification of custody  
7 based on various allegations he made including mother's  
8 contemptuous acts towards him and the children. The Appellate  
9 Court determined punishment of a parent for contempt is not to be  
10 visited on the children and custody is not to be used as a reward  
11 or punishment of parent conduct.

12 Even if this Court affirms the finding to assign final  
13 decision making to Mother based on its belief of high conflict  
14 between the Parties, the reduction of Parenting Time is not  
15 substantiated by any of the findings of the Court, and appears to  
16 be arbitrary and in direct context with the Trial Court's beliefs  
17 of this Complainant's contemptuous acts.

18 The issue here, even if Final Decision making is awarded to  
19 one parent over the other, and the children's best interest are  
20 paramount, such a decision should not be punitive to the children  
21 and/or parent, the assignment of Sole Decision Making should not  
22 interfere with the exercising of parenting time, which is against  
23 the intent of A.R.S. § 25-103(b).

24 The decision to reduce Complainant's parenting time with his  
25 children appears to have no other substantiating motive other than  
26 being punitive, arbitrary and denying the general duty of the Court  
27

1 of its ability of ensure that the best interest of the children's  
2 needs are truly held paramount to it, with that of Judge  
3 disdain for this Complainant to exceed the four corners of the  
4 Court room and causing collateral damage, such moves by the Court  
5 is not preserving or protecting the best interest of the Parties  
6 children.

7 The qualifications, tenure, experience, and knowledge of  
8 Judge should have easily permitted him to recognize the  
9 actions he has taken as it relates to the reduction of parenting  
10 was not done by any substantiated claim of the Parties, evidence  
11 and testimony, but by his own direction without any supporting  
12 evidence which substantiates his actions/orders.

13  
14 **Count 6.**

15 On, the Complainant by means of an OOP, was  
16 unexpectedly removed from his residence by the Mother. On  
17 and the  
18 Court affirmed and reaffirmed Mother was exclusively required to  
19 pay all cost associated with the care of the primarily residence of  
20 the Parties. At all times Mother did not expect to stay in the  
21 residence, and her willingness to maintain it was not important.  
22 (See Exhibit 12)

23 From the date Mother maintained exclusive use and control of  
24 the residence, to the date of Complainant being permitted to move  
25 back in the residence, Mother refused, although she could afford to  
26 do so, pay any portion of the mortgage, or all of the ancillary  
27



1 cost, as Order by the Court, but in the aggregate caused and/or  
2 burden Complainant with substantial fees and cost, while she  
3 exclusively resided at the residence. Basically, Mother, by Court  
4 Order, affirming a Lower Court Order of Protection Order, failure  
5 to enforce its own Court Order, ultimately Mother lived at the  
6 residence rent free, obligation free, duty free, which it's value  
7 is in excess of and to the complete un-remediated  
8 detriment of this Complainant who had to pay all cost.

9 On or about the Complainant filed an Order  
10 to Show against Mother for failure to pay the mortgage [and any  
11 portion thereof], and all associated ancillary fees and cost. At  
12 trial the Court fails to holding Mother in contempt or require her  
13 to pay any of the cost as previously Ordered, while permitting her  
14 exclusive rights and enjoyment of the property, which ultimately  
15 this Complainant had to entirely absorb all cost with no set-offs  
16 caused financial hardship, and an escalation of attorney fees and  
17 cost.

18 The qualifications, tenure, experience, and knowledge of  
19 Judge should have easily permitted him to recognize the  
20 actions he has taken was not fair, reasonable, balanced and a  
21 thoughtful administration of justice.

22  
23 **Count 7.**

24 On the Court, allocated time  
25 for the . . . Hearing for a modification of child  
26  
27

1 support<sup>12</sup>. The relief is much needed, as Complainant has<sup>13</sup> a  
2 substantial change in circumstances and has not received any  
3 financial relief from Mother for any financial contribution for  
4 the care of the Parties eldest child in over 24 month. Mother has  
5 not had any financial obligation to the Parties eldest child,  
6 although she can contribute, and non-payment is in contradiction of  
7 A.R.S. §§ 25-320(A), 25-501(A) and (C).

8 During this same Hearing, the Court provided communications,  
9 which, at least on gave the impression the Court was  
10 aware of the financial concerns of Complainant, and explicitly  
11 communicated to Complainant the importance of what Orders to follow  
12 first, as the others were subsidiary in importance.

13 On and multiple other request thereafter,  
14 the Court recognizing such request as originating from the  
15 for a modification of child support, the Court  
16 has refused to affirm, set, or uphold its Orders of  
17 and schedule a modification of child support hearing from  
18 to current.

19 The qualifications, tenure, experience, and knowledge of  
20 Judge he should have known that he, at a minimum owed a  
21  
22  
23  
24  
25  
26  
27  
28

1 duty to advise the Parties he changed his mind about conducting a  
2 modification of child support hearing. However, based on all other  
3 events, duties and obligations of the Parties, timely holding the  
4 modification of child support hearing he communicated he would, was  
5 the appropriate course to take.

6  
7 **Count 8.**

8           On                           the Court issued the Decree, on  
9 it explains the process for the division of tangible property  
10 between the Parties, which is estimated to have a value in excess  
11 of

12           On                           During a Hearing the Trial Court  
13 addressed to Mothers's counsel concerns it had about the process  
14 of the division of property stalling

15           There is no dispute Mother, by and through her legal counsel  
16 is fully aware there is substantial property in her possession  
17 which is owed to Complainant. On                           after Mother  
18 refuses to turn-over any 'valued' tangible property and removed all  
19 of it from the residence. The Complainant asked and received a  
20 Hearing to Compel Mother to produce Complainant's fair share of the  
21 tangible property to him as directed by Court Order.

22           Although, Complainant provides substantial evidence of the  
23 improper removal of property, the destruction of property, and the  
24 damage to the structure of property and the primary residence while  
25 in the exclusive care and control of Mother. The Court issued a  
26 Minute Entry stating that each Party would retain the personal  
27

1 property currently in their possession, with the exclusion of some  
2 specific children's photo's Mother was to return to Complainant.  
3 The Court, with the issuance of the Minute Entry, modified the  
4 Decree and literally left this Complainant with only the set of  
5 cloths on his back, and a few pickins's the Mother decided she no  
6 longer, which is an unreasonable loss in excess of of  
7 this Complainant. Also, that does not include the in  
8 physical damage to property while in Mother's care and control.

9 The failure to enforce, then modify the property distribution  
10 portion of the Decree with an estimated value of about  
11 for Complainant substantially changes the Decree without it being  
12 a fair and equitable distribution of the Court Order, thus an abuse  
13 of discretion by the Court.

14 The qualifications, tenure, experience, and knowledge of  
15 Judge he should have known that he was creating a situation  
16 where there was not a fair and equitable distribution, and  
17 providing the mother not to be compliant with his Court Orders was  
18 failing to administer justice equitably.

19  
20 **Count 9.**

21 On the Court held the Complainant in a form  
22 of Criminal Contempt for not being able to afford the continued,  
23 perpetual, and escalating cost of the as Ordered by the  
24 Court's Contempt Orders. The Court incarcerated the  
25 Complainant, temporarily modified custody/parenting time of the  
26 Parties eldest child to Mother, which would not have remotely been  
27

1 in the best interest of the Parties eldest child.

2 the Court held a Hearing, and amongst other  
3 things, it agreed to hold a Child Support Modification. During  
4 that Hearing the Court provided the Complainant specific  
5 instructions.

6 At the time of the Hearing, the Complainant is grossing  
7 substantially less than Mother, is responsible for a child  
8 support order in an amount approximately per month, and a  
9 Spousal Support payment approximately per month, and is  
10 solely responsible for a balance which has become more and  
11 more apparent the Complainant is unable to continually afford, and  
12 at no time since the Parties eldest child has exclusively resided  
13 with Complainant, and the Court was/is aware of such, has there  
14 been any financial contribution of Mother towards his care.

15 The Court alleges it can hold the Monies owed by  
16 Complainant as contempt of child support, the Court was providing  
17 no credit for such in the calculation of child support. In fact, at  
18 this point the Court will not set a Hearing for the Modification of  
19 Child Support since it Ordered it would during the  
20 Hearing.

21 There is nothing in any of the Court's record, the Court's  
22 action, which substantiate the Court's contempt charge from  
23 was/is an enforcement or extension of child support  
24 obligations, rather it appears to be a contempt which is excessive,  
25 does not permit Complainant to correct it and has many distinct  
26 characteristics of being some sort of excessive criminal contempt  
27

1 action.

2 Further, the monies owed to the arise out of civil debt,  
3 thus incarceration is inappropriate. Arizona Constitution, Article  
4 2, Section 18, In the matter of and  
5 . The Court  
6 stated, "*Payment of debt cannot be enforced by imprisonment for*  
7 *contempt in view of prohibition of this section against*  
8 *imprisonment for debt.*" However, this Complainant was incarcerated  
9 for a period of time, had not a friend paid the debt the  
10 consequences could have been dire, punitive and collateral,  
11 especially to the Parties' eldest child.

12 Not only did the Court improperly incarcerate the Complainant,  
13 the Court, by request of the Mother, awarded Mother full custody  
14 and control of the Parties eldest child. In the matter of  
15 the Arizona Supreme Court  
16 states a contempt sanction should generally be limited to, "the  
17 least possible powers adequate to end the proposed." The Supreme  
18 Court went on to state this especially holds true when a contempt  
19 sanction impacts an innocent third Party. Clearly the incarceration  
20 of Complainant would have caused substantial collateral damage to  
21 the Parties eldest child if he actually was in the care and control  
22 of the Mother when the Court actually permitted Mother to take  
23 physical custody of the Parties eldest child.

24 On without the Court holding a  
25 Modification of Child Support Hearing as it directed it would since  
26 the Court appointed the BIA, and exclusively made  
27  
28

1 the Complainant responsible for all associated fees and cost, and  
2 if such fees and cost were not immediately paid the Court would  
3 hold another Contempt Hearing which would include the option of  
4 incarceration.

5 The qualifications, tenure, experience, and knowledge of  
6 Judge he should have known that he was creating a situation  
7 where there was not a fair and appropriate remedy by the Court and  
8 a clear violation of judicial process.

9  
10 **Count 10.**

11 On Mother filed a Motion to hold this  
12 Complainant in contempt for non-payment of spousal support and  
13 child support for the month of The Court granted the  
14 mothers request immediately and set the Hearing for

15 By the Complainant had completely remedied  
16 the child support and spousal support issue, thus the  
17 Hearing should have actually been a moot issue. However, the Court  
18 , without proper, or new Notice, decided to hold Complainant in  
19 contempt for not paying April, 2013, child support and spousal

---

1 support payments.

2       There is no Order which specifically stated when Child Support  
3 is due, thus, it is/was not unreasonable for the support not to be  
4 submitted by                   However, when you take on the Court's  
5 refusal to hold a child support hearing, as it communicated it  
6 would, review the substantial change of circumstances of the  
7 Complainant, take into account Complainant is exclusively caring  
8 for the Parties eldest child with absolutely no financial  
9 contribution from Mother, and the continued and expanding fees the  
10 Court unilaterally and exclusively applies towards Complainant,  
11 including the fees of a BIA, being a few days past a payment on the  
12 first of the month is understandable.

13       Further, the Court already advised the Complainant, earlier,  
14 as noted in this Complaint, that the most important obligation was  
15 paying the T.I., the Court would understand if the others Orders  
16 were not stringently complied with. (See Exhibit 15)

17       The qualifications, tenure, experience, and knowledge of  
18 Judge Hannah, he should have known that the Complainant remedied  
19 the Contempt Action of Mother on of                   and at best  
20 recognize all efforts were being made to Comply with Court Orders.

21  
22       **II.           Violation of Rule 81 Arizona Code of Judicial**  
23       **Conduct Canon 1.2.**

24       Rule 1.2 states:

25       *A Judge shall act at all times in a manner that promotes*  
26 *public confidence in the independence, integrity, and impartiality*



1 of the judiciary, and shall avoid impropriety and the appearance of  
2 impropriety.

3 Not with standing this Commission substantiating its own  
4 violations by the Honorable this Complainant alleges  
5 the following:

6  
7 When we view Count 1, 3, 5, 6, 7, 8, 9 and 10, by a clear and  
8 convincing standard, the Honorable has violated Rule  
9 81, Canon 1.2 of the Arizona Code of Judicial Conduct.

10  
11 **III. Violation of Rule 81 Arizona Code of Judicial**  
12 **Conduct Canon 2.2.**

13  
14 Not with standing this Commission substantiating its own  
15 violations by the Honorable this Complainant alleges  
16 the following:

17  
18 When we view Count 1, 3, 5, 6, 7, 8, 9 and 10, Honorable  
19 has violated Rule 81, Canon 2.2 of the Arizona Code of  
20 Judicial Conduct.

21 This Complainant further alleges, the Court, by and on one  
22 hand permits Mother's conduct of violating Court Orders to pass  
23 without consequences or efforts to cause a civil remedy for her  
24 deficiencies or failure to comply, such as not paying mortgages the  
25 Court directed her to pay, determined she could pay, but releases  
26 her of such duties, and allows her to destroy, hide, sell, dispose

1 of personal property at a substantial cost to the detriment of  
2 Complainant, while at the same time holding this Complainant to  
3 much higher standards of compliance, as it relates to contempt  
4 actions. Some of the actions the Court took the Rules of Family  
5 Procedure does not even permit the Court to employ. Such activity  
6 of the Honorable                      erodes the very confidence a  
7 reasonable person is suppose to automatically assume in a Court for  
8 being impartial and fair.

9  
10            **IV.            Violation of Rule 81 Arizona Code of Judicial**  
11                            **Conduct Canon 2.3.**

12  
13            Not with standing this Commission substantiating its own  
14 violations by the Honorable                      this Complainant alleges  
15 the following:

16            When we view Count 4,6,7,8, and 10, by a clear and convincing  
17 standard the Honorable                      has violated Rule 81, Canon 2.3  
18 of the Arizona Code of Judicial Conduct.

19            The Court, in many of its communications to this Complainant  
20 has made frequent and derogatory comments directly at this  
21 Complainant, most of which is showing an appearance of disdain or  
22 prejudice as it relates to this Complainant's socioeconomic status.  
23 (Please See Exhibit 16)

24  
25  
26            **V.            Violation of Rule 81 Arizona Code of Judicial**

1                   **Conduct Canon 2.4.**

2           Not withstanding this Commission substantiating its own  
3 violation of the Honorable                   this Complainant alleges  
4 the following.

5  
6           The Honorable                   has 'apparently' permitted external  
7 influences on his judicial conduct and duties. As this Commission  
8 is aware, the ability to outright prove that there is an Extra  
9 Judicial Source is a very high standard to accomplish, especially  
10 without a confession directly from the Judge as to the source of  
11 its external influences or prejudices. However, there is no  
12 dispute in this Complainant's mind that something far beyond the  
13 four corners of the Court Room has adversely prejudiced the Court  
14 specifically against this Complainant with all of the unusual  
15 activities which are surrounding this matter.

16           In the very beginning of this process, the Honorable  
17           speculated if he should have recuse himself from this case  
18 because he had acquired a home loan through one of the Entities  
19 this Complainant had a direct interest in. However, it was learned  
20 that the Court did not just have a home loan through this  
21 Complainant franchised company, but had multiple home loans, which  
22 appears could have caused him substantial financial hardship and  
23 loses.

24           In fact, with further inquiry, it was learned Judge                   had  
25 multiple bad experiences in his business dealings with a business  
26 this Complainant has a direct interest in. Judge                   while in  
27

1 private practice, represented a this known business affiliate of  
2 this Complainant in criminal proceedings, and in return Judge  
3 used this known business affiliate in efforts to secure  
4 various home loans as investment opportunities. However, the  
5 business made multiple errors, and he was at risk, and appears to  
6 have lost a substantial amount of money, and possible foreclosures.

7 The conflict goes far beyond the Judge simply doing a home  
8 loan; he conducted multiple business transactions with an affiliate  
9 company of Complainant, he did multiple deals which, regardless of  
10 loses [or gains], caused a genuine conflict, which it was his duty  
11 to recuse himself, as he speculated in the narrow dissemination of  
12 his securities transactions to the Parties' legal counsel at the  
13 beginning of this matter.

14 However, if he incurred substantial loses, which even  
15 temporarily, caused him to change a lifestyle, a vision, a path, a  
16 thought for retirement, that prejudice could have spilled over into  
17 these proceedings and could quantify the actions and disdain the  
18 Court unreasonably took against this Complainant.

19 The violation of administration of justice is damning, it  
20 could be further escalated if the Court did not fully disclose a  
21 conflict which should have reasonably required him to recuse  
22 himself for this matter. It was also learned, that Judge had  
23 a very strong dislike for Mortgage brokers, Complainant affiliates  
24 and associates, as it caused him damage. When we look at some of  
25 the Judge's rulings such as unilaterally disregarding  
26  
27  
28

1 in property division, double padding an additional in  
2 the form of Spousal Maintenance and an attempt of an equitable  
3 division of property, making mention of, "You did not lose your  
4 house yet." Putting in Orders and making comments about  
5 Complainant's disregard for money, the pieces come together that  
6 recusal, was the most appropriate thing for the Judge to do, but he  
7 did not.

8 Judge had/has a direct conflict with a direct company  
9 affiliate of mine, which he believes he was serviced improperly,  
10 lost a substantial amount of money and felt wronged. Even if all  
11 of the above is not true, Judge professional obligation  
12 and duty to both the Court's, in general, and the public he serves,  
13 required him to recuse himself to save the integrity and confidence  
14 of the system and not to use it for self-gaining or retaliatory  
15 behaviors.

16  
17 **VI. Violation of Rule 81 Arizona Code of Judicial**  
18 **Conduct Canon 2.5.**  
19

20 Not with standing this Commission substantiating its own  
21 violations by the Honorable this Complainant alleges  
22 the following:

23 When we view Count 1 through 10, by a clear and convincing  
24 standard the Honorable has violated Rule 81, Canon  
25 \_\_\_\_\_  
26  
27  
28

1 2.5 of the Arizona Code of Judicial Conduct.

2  
3 **VII. Violation of Rule 81 Arizona Code of Judicial**  
4 **Conduct Canon 2.6.**  
5

6 Not with standing this Commission substantiating its own  
7 violations by the Honorable this Complainant alleges  
8 the following:

9 When we view Count 3, 4, 7, 9, and 10 by a clear and  
10 convincing standard the Honorable has violated Rule 81,  
11 Canon 2.5 of the Arizona Code of Judicial Conduct.

12 The Court, at various times did not provide an opportunity for  
13 this Complainant to be heard, intentionally ignored, present  
14 witnesses, dispute evidence and Reports, and did not conduct  
15 proceedings which it said it would. The frequency and design of  
16 the acts are not inadvertent errors but moves which were made to  
17 use or leverage the Court system as a compliance weight to what  
18 Judge exclusively deemed appropriate, regardless or  
19 abandoning its judicial duties and functions in support of this  
20 matter.

21 Judge actions in this matter are not by mistake, his  
22 history, knowledge of law, and experience would not elude anyone to  
23 believe that such acts, as frequent, and consequential were mere  
24 missteps or accidents, the actions of the Court, by and through the  
25 Honorable were deliberate, ongoing, and meant to cause  
26 harm and/or hardship. However, the acts are also collateral and  
27

1 caused the Parties children substantial harm as well.

2  
3 On one hand the Court advises this Complainant it was going to  
4 hold a modification of child support, but does not. On the same  
5 hand advises the Complainant, don't worry about all my Orders, just  
6 the ones as it relates to reunification. On the other hand, then  
7 enforcing the very Orders which the Court said it would set a  
8 modification for, alternatively, and with what appears to be with  
9 malicious intent holds this Complainant in various forms of  
10 contempt, both against Rules, Authority, and the Arizona  
11 Constitution.

12  
13 **VIII. Violation of Rule 81 Arizona Code of Judicial**  
14 **Conduct Canon 2.11.**

15 The Court, as explained in section VII of this matter had a  
16 duty to recuse himself, and did not both pursuant to statute and  
17 rules. The integrity of his actions, rulings, and performance  
18 appears to be, in part, because of an experience he had with a  
19 business partner of mine, and a direct company affiliate where  
20 Judge lost a substantial amount of money, and/or maybe  
21 foreclosures.

22 However, because of the records being sealed, this Complainant  
23 cannot fully measure how substantial the loses were/are, if they  
24 are ongoing and if all was in proper order. Thus more research and  
25 investigations needs to be conducted to determine why the Court,  
26 after having a terrible experience with a direct business associate  
27

1 and affiliate company did not recuse himself as he initially said  
2 he conjectured he would on a mere home loan situation.

3 A review of all investments, and financial records regarding  
4 or associated with affiliates and Judge need to be review to  
5 fully appreciate how the disdain the Judge had for my affiliate  
6 company could have adversely effected him and his performance as a  
7 Judge in this matter. (See Exhibit 17)

8  
9 **Conclusion.**

10  
11 For the above cited reasons, this Complainant submit's his  
12 Complaint to this Commission with the full expectation of a  
13 thorough and exhuastive review, and investigation to determine  
14 wrong doing and how to prevent such from occurring in the future  
15 to other people.

16 It is the hopes of this Complainant that a review will  
17 correct some of the improper acts of the Court and ensure that  
18 such will not occur again.



### Exhibit list

1. Minute Entry dated -
2. Copy of the Mother's paper waiving custody of the Parties eldest child.
3. Detention Papers for
4. Minute Entry dated
5. Correspondence dated
6. Minute Entry dated holding Complainant in contempt
7. Order, pages in regard to contempt.
8. Minute Entry dated
9. Child Support Worksheet.
10. Petitioner's Response to Court Questions, dated
11. Minute Entry dated
12. Accumulative Minute Entry requiring Mother to completely pay mortgages associated with primary residence.
13. Ledger showing all payments made for and services.
14. Transcript dated in regard to tangible property.
15. Transcripts dated
16. Accumulative Statements by the Court of Complainant.
17. Judge public records - Deeds, Substitution of Trustee, All +(-) denotes, including Notice of Trustee's Sale.