

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-106

Complainant: No. 0029610628A

Judge: No. 0029610628B

ORDER

The commission reviewed the complaint filed in this matter, the results of a preliminary investigation, and the judge's response, and could not find any clear and convincing evidence that the judge had violated the Code of Judicial Conduct. Accordingly, the complaint is dismissed pursuant to Rule 16(a).

Dated: June 27, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 27, 2006.

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

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April 12, 2006

APR 17 2006



Governor Janet Napolitano
1700 West Washington
Phoenix, AZ 85007

Office of Attorney General
1275 West Washington
Phoenix, AZ 85007

E. Keith Stott Jr. Executive Director
1501 West Washington
Suite 229
Commission on Judicial Conduct
Phoenix, AZ 85007

Re.

Dear Governor, Mr. Goddard and Mr. Stott

I am writing to formally complain of a series of misdeeds by sitting Superior Court Judge that constitutes violations of judicial and professional codes of conduct and criminal statutes. Investigation and initiation of formal proceedings are requested. was recently appointed by the Governor, is now collecting signatures for his nominating petition and seeking election.

As to the Attorney General, I am referring this to you because the false swearing occurred in both Counties and because I believe the County Attorney would declare a conflict of interest and refer the matter to you. There are no less than four instances of false swearing made in the filing of public documents:

- 1) County voter registration falsely claims a residence and conceals his residency.
- 2) application for judicial appointment filed with the Governors office states he has resided in for one year when he resides in County.
- 3) County voter registration change of address from a bogus address to another false address when he resided in
- 4) application for a Superior Court nomination petition likely claims (I was unable to obtain this document but would bet my life on what is says) he resides in when he resides in

As to the Commission on Judicial Conduct, I believe the false swearing surrounding

these four instances not only disqualifies [redacted] from serving as a [redacted] Superior Court Judge and prevents him from seeking election but it further requires referral to the State Bar of Arizona for various violations of the Code of Professional Responsibility.

As to the Governor, I am informing you of this filing as a courtesy because you appointed [redacted] and this could result in political embarrassment if misused by political adversaries. I trust not, but untoward advantage may be sought and thus this notification.

As to the Attorney General and Commission, please acknowledge receipt of this complaint and apprise me of the steps you will take and ultimate outcomes.

A brief timeline will allow you to quickly see the gravity of events underlying this claim of multiple falsehoods. [redacted] has resided and operated a law practice in [redacted] [redacted] for over a decade as shown by various licenses, corporate filings and other documents. In that context:

[redacted] was appointed part time [redacted] Judge Pro Tem and on that date registered to vote in [redacted] by falsely listing a vacant commercial building in [redacted] as his residence.

After [redacted] appointment by the [redacted] presiding judge as a full time judge pro tem in early [redacted] he filed an Addendum to Certification of Fictitious Name for a partnership in which he acknowledged his [redacted] residential address and not the vacant commercial building in [redacted]

[redacted] purchased a second piece of real estate in [redacted] County and listed his [redacted] Residence on the Affidavit of Value, as an earlier purchase presumably did.

[redacted] purchased a third vacant lot in [redacted] County and again listed his [redacted] residency.

[redacted] refinanced their [redacted] residence and swore that he still resided at that home and further avowed he would continue to do so for "at least one year."

Nine days later, [redacted] filed an application for appointment as Superior Court Judge with the Office of the Governor in which he falsely stated he had resided in [redacted] for one year, likely used the bogus [redacted] vacant commercial building address (the Governor's office would only provide my investigator with the front page of the application) and concealed his [redacted] residency.

Two days later, a [redacted] resident acquired a house in [redacted] [redacted] and [redacted] later misrepresented that he resides there.

Less than two weeks after representing in his judicial application to the Governor that he had resided in [redacted] of one year, [redacted] executed a corporate annual report and filed it with the Arizona Corporation changing his true [redacted] address to the vacant commercial building in [redacted] while [redacted] reports listed the [redacted] address as his residence.

The Governor appointed [redacted] to the [redacted] bench.

Three weeks later [redacted] falsely changed his [redacted] voter registration address from the bogus [redacted] vacant commercial building address to the equally bogus [redacted] address. On the same date he took out a nomination petition and likely gave (this document was unavailable too) the false [redacted] address, again concealing his true [redacted] residence.

In support of these charges I have enclosed: (1) an edited summary and timeline with comments, (2) copies of supporting documents, (3) investigators report and (4) CDs with photographs and video clips. I neglected to request multiple copies of the CDs so I am providing the Attorney General's Office with my sole copy and request the Commission contact [redacted] for a copy if deemed necessary.

Please know that most of the information I am submitting with this complaint was gathered by multiple [redacted] employees, that they understandably fear retribution, and I have promised I would not disclose their identities so long as I am legally and ethically free to do so. I believe I can honor these commitments without running afoul of any canons

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or statutes and I intend to maintain these assurance.

It is important to keep in mind that while a residency requirement may seem technical to some: (1) it is the law explicitly, (2) other judges have been successfully challenged for the same thing, (3) rural residents feel it is an important right to come before what they see as like minded judges, and (4) respect for the law is lessened and the judiciary trivialized when judges are willing to falsify multiple public documents in order to circumvent clear and well settled legal requirements. That [redacted] conducted himself in this way is nothing short of astonishing and discloses a great deal about his character. I was taken aback when I learned of [redacted] appointment because I believed he was ethically ill suited to sit in judgment of others. And while I am surprised at his carelessness in "paper trailing" his misdeeds, they merely confirm earlier misgivings held by me and others in [redacted]

