

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-177

Complainant: No. 0001010477A

Judge: No. 0001010477B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature, and the more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: August 1, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 1, 2007.

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

JUL 05 2007

CJC-07-177

On [redacted] In [redacted] Superior Court of the State of Arizona in and for the County [redacted] Judge [redacted] presiding, [redacted] deceitfully abused the Court and its process by representing as true, deliberately misleading allegations and blatantly false statements to establish an unwarranted Guardian ship/Conservator ship in the name of [redacted] over the person of [redacted]

The Court "having considered the petition" was "satisfied by clear and convincing evidence...that an emergency existed...and that the appointment of a temporary guardian [without notice] for such person was necessary to provide for the person's demonstrated needs". On [redacted] by motion filed on behalf of [redacted] the Court was forced to examine facts as presented, found no existing emergency and no demonstrated needs. The order and subsequent letters of appointment to [redacted] [redacted] were rescinded.

The following citations are raised in order of presentation in the original filing and each is followed by a brief synopsis that proves an over all lack of insightful consideration on the part of the Court.

1.) A.R.S. 14-5303:

Evident, deliberate and absolute non-compliance with sections 5303 B. 1,7& 8, 5303 C. and D. in their entirety. Observance of and adherence to the neglected sections is necessary to qualify the cited statute for application in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

2.) A.R.S. 14-5310:

Evident, deliberate and absolute non-compliance with sections 5310 A, B, B.1, 2, 4 & 5. Observance of and adherence to the neglected sections is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

3.) A.R.S. 14-5401:

Evident, deliberate and absolute disregard for sections 5401 & 5401 B. 1 and 2. Observance of and adherence to the neglected sections is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

4.) A.R.S. 14-5401.01:

Evident, deliberate and absolute non-compliance with sections 5401.01A, , B. 1, 2, 4, D, E, G & H. Observance of and adherence to the neglected sections is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

7/5/2007

CJC-07-177

5. A.R.S. 14-5101(1):

Evident and deliberate distortion of fraudulently misrepresented information suggesting a non-existent medical authority to support a misapplication of the statute in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

6.) A.R.S. 14-5304

Evident, deliberate and absolute disregard for sections 5304 B. 1, 2 & 3. Observance of and adherence to the neglected sections is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

7.) A.R.S. 14-5410(A):

Evident, deliberate and absolute non-compliance with section 5410 as subject to the requirements of section 14-5106 A.3. Observance of and adherence to the neglected sections is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

8.) A.R.S. 14-5101.01:

Evident and deliberate distortion of fraudulently misrepresented information to suggest a non-existent medical authority that supports a misapplication of the statute in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

9.) A.R.S. 14-5401:

Evident, deliberate and absolute disregard for the "after notice" provision of 14-5401. Observance of and adherence to the neglected section is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

10.) A.R.S. 5310 B.

Evident, deliberate and absolute disregard for the prohibitive "without notice" provision of 5310 B. 1, 2, 4 & 5. Observance of and adherence to the neglected sections is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

11.) A.R.S. 14-5401.01:

Evident, deliberate and absolute disregard for prohibitive "without notice" provision of 5401.01 A & B. Observance of and adherence to the neglected sections is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

12.) A.R.S. 14-5401.01 (D):

Evident, deliberate and absolute disregard for time constraints imposed on the sought for appointment by the cited section. Observance of and adherence to the neglected section is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

13.) A.R.S. 14-5310 (B)(4)

Evident, deliberate and absolute disregard for timely/personal service of process as mandated by the cited section. Observance of and adherence to the neglected section is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

14.) A.R.S. 14-5401.01 (B)(4)

Evident, deliberate and absolute disregard for timely/personal service of process as mandated by the cited section. Observance of and adherence to the neglected section is necessary to qualify the cited statute for applicability in this instance. Invocation of the offending statute throughout the aforementioned petition(s) suffers by similar defect.

15.) A.R.S. 14-5411

Evident, deliberate and absolute disregard for the unequivocal and uncompromising mandate of the statute. egregious efforts specifically and wrongfully exempted her client from posting any bond in compliance with A.R.S. 14-5411 thereby committing to a violation of 5411 (A).

7/5/2007

16.) A.R.S. 14-5401.01 (D)

Evident, deliberate and absolute disregard for the unequivocal and uncompromising mandate of the statute. [redacted] egregious efforts specifically and wrongfully expanded the scope, letter and intent of the statute.

Judge [redacted] has neglected to direct the enforcement of any Court order requiring an accounting of [redacted] assets, as dispensed and disbursed by the petitioner while serving for pay as de facto Guardian/Conservator for the month prior to issuance of the Temporary Order of Appointment.

Judge [redacted] has neglected to direct the enforcement of any Court order requiring an accounting of [redacted] assets, as dispensed and disbursed by the petitioner while serving as Court appointed Temporary Guardian/conservator.

Judge [redacted] has neglected to recognize that, having rescinded the Temporary Order of Appointment, the petitioner is deprived of all authority to exercise, maintain or direct any control whatsoever over the assets, person or property of [redacted]

Judge [redacted] has neglected to direct the return of assets and property belonging to [redacted] as dispensed and disbursed by the petitioner under assumed authority allegedly derived from the Temporary Order of Appointment.

Judge [redacted] has neglected to consider the on going depletion of [redacted] estate through acts committed by the petitioner and the evident lack of any appreciable benefit to the rightful owner of that estate.

Judge [redacted] has neglected to recognize that, in light of events surrounding the issuance and subsequent revocation of the Temporary Order of Appointment, the Affidavit of Proposed Appointee is, for lack of accuracy, flawed beyond consideration by the Court as submitted.

Judge [redacted] has neglected to recognize that, in light of events surrounding the issuance and subsequent revocation of the Temporary Order of Appointment, the general statement of property belonging to [redacted] is, for lack of accuracy, flawed beyond consideration by the Court as submitted.

Judge [redacted] has neglected to consider ramifications of the deliberate deceit and abuse of process perpetrated against the Court and (by legal imposition) on [redacted] by the petitioner's refusal to [ever] serve a true copy of either of the original petitions.

Judge [redacted] has neglected to assume the Court's responsibility to investigate, review and consider the demonstrated lack of performance of any proposed appointee prior to qualifying that person for assumption of absolute authority over the person of [redacted]

Judge [redacted] has failed to restrain the vituperative utterances of a conflicted and biased [redacted] Attorney, who is not a party to the action nor is she entitled to practice Law in the State of Arizona but is nonetheless allowed to give un-sworn, unsupported and unopposed oral testimony in open Court supporting an agenda that is repugnant in every aspect to that specifically declared to be desirable by [redacted]

Judge [redacted] Court (in contradistinction to the aforementioned authorized outburst(s) in support of the petitioner) demands an exorbitant filing fee for the written appearance of parties which support the living will and stated desires of [redacted]

Judge [redacted] has neglected to consider that the premise supporting a need for a Permanent Guardian/Conservator is wholly based on allegations that could not support the Temporary Appointment.

Judge [redacted] has neglected to consider the Court Record as evidenced by the continuation of this "Action" in light of the foregoing compilation of facts that are readily available therein.

Judge [redacted] systematic pattern of neglect has and does work to accomplish the deliberately engineered emergency as contrived by the petitioner and perpetuated by the plaintiff's Attorney.

The enumeration of specific points in this complaint is not to be construed so as to limit the addition of supplemental infractions. Nor does it operate to limit access to any and all venues of addressing Judge [redacted] activities in this matter, which currently support the premise that future involvement on his part in this matter is contraindicated.

7/5/2007