

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-109

Complainant: No. 1361510798A

Judge: No. 1361510798B

ORDER

The commission reviewed the complaint filed in this matter and found that the issues raised involved an administrative law judge in the executive branch of the government. The commission has no jurisdiction over administrative law judges. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 22, 2009.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 22, 2009.

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

To: State of Arizona, Commission on Judicial Conduct
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

4-22-2009

From: Ms.

Subject: Complaint against Judge _____ as a result of the conduct he exhibited in Case No. _____

Preface: My name is _____, I am a friend of _____, I am writing this with the full oversight, of Ms. _____ Ms. _____ only writes in

As long as there are Contractors that have no scruples, and a judge that is willing to manipulate a hearing, thereby violating the due process and the civil rights of Ms. _____, I shall be by Ms. _____ side. The way that this hearing process was conducted reminds me of a phrase from the past that was brought to the present, " She, Ms _____ didn't stand a Chinaman's chance in SW hell."

The first part of the complaint will be based on the information and exhibits from the first hearing.

I wrote the complaint to the ROC for the first Office of Administration first hearing. The judge responded by stating that he recognized the fact that I had written the complaint for Ms. _____. As a result Judge _____ stated that I would not be able to represent Ms. _____ at the OAH hearing. My response is in a letter to the OAH dated 2-4-2008. Keep in mind that Judge _____ suspected that I had written the first complaint. Keep in mind when reading the answer for the second hearing. The first hearing request was not denied to Ms. _____ by my participation in the filing SW process.

During the first hearing process when I attempted to testify Judge denied Ms. _____ having me testify as an expert witness even though I had previously by faxed letter submitted my qualifications. See the attached exhibit.

I had numerous exhibits to present at the first OAH, when I attempted to present pictured evidence to Judge _____ he said, "I would not know what I was looking at" he not ask or suggest that I could explain the exhibits to him, he just flat out denied them being presented. After Judge _____ spent considerable time going over warranty information present and explained by _____ that was not even in question. I walked out of the hearing in disgust at the way this hearing was being conducted and how unfair it was to Ms. _____

This part of the complaint is in regard to the request for the second Administrative hearing much of the information transitions between this complaint and the application for reopening of Case No. _____. You will notice in the complaint filing dated 2-14-2009 that two SW

defendants are listed one being _____ and the other _____, the manufacturer of the 12 seer contractors grade units that were installed for Ms. _____ and all the other residents of _____. You will note that the OOA Minute Entry of February 24, 2009, only lists _____ as the respondent. Judge _____ took it upon himself to remove _____ from the respondent list. I wrote a reply to this action saying that it was "unacceptable and also and that any person, judge or any one that mediates a case at an Administrative hearing should have a basic understanding of the material including the exhibits or remove himself from the case or gain the knowledge necessary to properly conduct a hearing in a impartial, professional manner. See attached letter.

In the third paragraph of document stamp dated 2-24-2009 of the rehearing denial it states that no new evidence was presented in the refiling for a rehearing. The commission can see just how much new evidence was presented not only see new AC violations against Ms. _____ but also the unprofessional conduct exhibited against all the listed residents of _____ community. The whole denial haring process is to take Ms. _____ to a place where legal council would be required, this is Judge _____ way of due legal process for Ms. _____. Take an elderly lady of ethnic background with limited knowledge of legal matters to a place where justice SW could not be found.

It is clearly evident that Judge _____ conducted himself in a unprofessional manner Through out this complaint and the hearing process the conduct of the Registrar of Contractors we have found disturbing. From the beginning of the complaint process we had asked _____ for a inspector to investigate the conduct of _____, despite the fact that they have limited guide lines for air conditioning contractors. _____ receives a copy of all information between the OOA and the Complainants and the Respondents, they also sign off on all the decisions by the OOA. Does Mr. _____ ever read or question what they are signing off on or is this just a paper funnel agency set up to protect the contractor. After all it doesn't state that is the Registrar of Contractors and Office of Consumer Protection. It is troubling that the Courts would have a web site, and even complaint forms relating to unethical behavior by Judges. One might question if the ROC set up guidelines for Judges in the hearing process that would protect the Contractors. This whole process has a familiar odor. SW

I would hope that the commission would read or listen to the transcript of this case. The behavior in this case is such that it must come from prior experiences, from a Judge that has never been required to be accountable for his actions, not being held to task.

When on April 6, 2009 the Registrar of Contractors signed off on the Office of Administrative Hearing finding they became co-conspirators in denying Ms. _____ the due process of law ,they in fact discriminated against Ms. _____

I shall provide and all the information on this complaint and the rehearing to Senator _____ Under the freedom of information act I _____ is requesting copies of Judge _____ decisions. SW

Respectfully , Ms. _____ and _____ , Agent and friend of Ms. _____