

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-117

Complainant: No. 1363110803A

Judge: No. 1363110803B

ORDER

The commission reviewed the complaint filed in this matter and found that the allegations involve a county development hearing officer. The complaint is dismissed pursuant to Rules 16(a) because the commission does not have jurisdiction over administrative hearing officers.

Dated: July 1, 2009.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on July 1, 2009.

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

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

FOR OFFICE USE ONLY

CJC 09-117

COMPLAINT AGAINST A JUDGE

Your name: _____

H.O.
Judge's name: _____

Date: 5/29/09

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

THE HEARING IN DISCUSSION TOOK PLACE ON THE 10TH OF APRIL 2009 IN THE COUNTY BUILDING AS PRESENT. THE MISCONDUCT OF THE HEARING OFFICER IS DESCRIBED IN 6 DECLARATIONS I SUBMITTED TO THE SUPERIOR COURT IN AS PART OF MY LAWSUIT AGAINST COUNTY OF THE FILED ON THE 18TH OF MAY 2009. I WOULD ASK FROM THE COMMISSION TO DEAL WITH THE ALLEGED MISCONDUCT OF THE SAID HEARING OFFICER.

(Attach additional sheets as needed)

DECLARATION TO COURT

TO MY UNDERSTANDING THE PROCESS OF A HEARING OFFICER IS DESIGNED TO BRING A VIOLATION INTO COMPLIANCE WITH COUNTY CODE. IN THESE HARD ECONOMIC TIMES WHEN LARGE PARTS OF THE NATION ARE STRUGGLING FOR SERVIVAL, COUNTIES SHOULD SHOW MORE FLEXIBILITY AND SENSITIVITY BY NOT DWELLING ON A SO CALLED VIOLATION AS LODGING. THE LODGING SUBJECT AS SOME PEOPLE KNOW WELL, IS A HARASSMENT CLOSE HIDDEN AND BURIED DEEP IN THE ORDINANCES OF COUNTIES ALL OVER THIS COUNTRY. IT IS DESIGNED TO FIGHT THOSE PROPERTY OWNERS WHOM THE COUNTY HAS OTHER PROBLEMS WITH. CORECTING THIS VIOLATION MEANS DESTROYING THE LIVELIHOOD, THE LIVES AND THE FAMILIES OF PROPERTY OWNERS IN THIS COUNTRY.

FURTHERMORE, READING THIS DECISION I CAN ONLY SURMISE THAT COMPLIANCE IS NOT THE INTENTION OF THE WRITERS. THE REAL INTENTION OF THOSE WHO STAND BEHIND THIS SO CALLED JUDGMENT IS BEATING ME INTO SUBMISSION, DESTROYING ME ECONOMICALLY AND TRAPING ME IN AN UNBEARABLE POSISSION THAT WILL DRIVE ME TO THE STREET. THIS VIOLATES MY CONSTITUTIONAL RITES AS A FREE CITIZEN OF THIS COUNTRY.

I DECLARE HERE BY THAT I WILL FIGHT TILL MY LAST DROP OF BLOOD FOR THE RITE TO LIVE PEACEFULLY ON MY LAND.

DECLARATION TO COURT

READING THIS DECISION, ONE MAY ONLT WONDER ABOUT THE POSIBILITY THAT SUCH A COMPLEX DECISION WAS WRITEN IN 10 MINUTES BY A COUNTY CLARK. AS A MATTER OF FACT, I FIND IT HIGHLY UNLIKELY THAT COUNTY CLARK CHARLES HASTINGS WAS ABLE TO COMPOSE THIS DECISION BY HIMSELF AT ALL. IF THIS IS SO, IT OPENS THE POSIBILITY THAT THIS DECISION WAS CRAFTED BEFORE THE TIME OF THE HEARING BY SOMEONE ELSE. IF REALIZED THAT THE SAID CHARLES HASTINGS WAS NOT THE WRITER, THE MYSTERY AUTHOR AND HIS COHORTS WILL SURELY BE FOUND, IDENTIFIED AND REPREMENDED BY THIS COURT.

IF PROVEN, THIS WILL BE A SERIOUS VIOLATION OF THE RULE OF LAW, AS WELL AS, THE RULES OF A HEARING OFFICER AND MY RITES AS A DEFENDANT.

DECLARATION TO COURT

TO MY KNOWLEDGE THERE IS A U.S. LAW THAT LIMITS THE FINES A COUNTY CAN LEVI FOR A VIOLATION IN CASE OF NONE COMPLIANCE. THIS DECISION HAS CLEARLY GONE BEYOND THIS LIMIT AND THEREFORE IS ILLEGAL. I WOULD ASK THE COURT TO LOOK INTO IT.

DECLARATION TO COURT

THE DEFINITION OF "SHORT TERM RENTAL" IS WELL KNOWN IN THE WORLD OF REAL ESTATE. TO MY UNDERSTANDING, IT MEANS, RENTAL FOR A PERIOD OF LESS THEN A YEAR. THIS, TO MY OPINION, IS THE SACRED RITE OF EVERY PROPERTY OWNER ALL OVER THIS LAND. FURTHER MORE, IT IS IN TOTAL COMLIANCE WITH ALL YAVAPAI COUNTY CODES, THUS, CONSIDERED A LEGAL ACTIVITY IN THIS COUNTY. IN THIS DECISION I AM BEING ORDERED TO CEASE IMMIDIATLY "SHORT TERM RENTAL" ACTIVITY OF MY PROPERTY AND IF NOT, I WILL BE FINED \$5000. THIS IS CLEARLY A SERIOUS VIOLATION OF MY PROPERTY OWNERSHIP RITES.

DECLARATION TO COURT

I AM RUNNING SEVERAL ADS ON THE INTERNET TO PROMOTE MY VACATION HOME BUSINESS. THESE ADS ARE MY PROPERTY AND ARE FULLY PAID FOR IN ADVANCE. ALL OF THEM CAN BE BROUGHT EASILY INTO COMPLIANCE WITH COUNTY CODE AND THUS CAN BE CONSIDERED TOTALLY LEGAL. IN THE DECISION I AM BEING ORDERED TO REMOVE MY ADS IMMIDIATELY OF THE INTERNET AND IF NOT DOING SO, I WILL HAVE TO PAY A MONTHLY FINE OF \$2500 FOR THE DURATION OF 4 MONTH, IN THE TOTAL AMOUNT OF \$10,000. THIS IS CLEARLY A SERIOUS VIOLATION OF MY CIVIL LIBERTY RITES.

DECLARATION TO COURT

THE CASE THE INSPECTORS BROUGHT TO THE HEARING WAS AN ALLEGED VIOLATION OF LODGING IN A RESIDENTIAL ZONING. THEY PRESENTED TWO MAIN ARGUMENTS TO PROVE THEIR CLAIM. THE FIRST WAS ADVERTISEMENT ON THE INTERNET. THE SECOND WAS AN OUT OF STATE LICENCE PLATE THEY SAW ON THE PREMISES. I COUNTERED WITH THE ARGUMENT THAT THE HOUSE SERVES AS A VACATION HOME FOR FAMILY AND FRIENDS, AS WELL AS, FOR PEOPLE THAT COME TO VISIT ME. I ALSO EXPLAINED THE ADVERTISEMENT ON THE INTERNET TO BE FOR TAX PURPOSES.

THEREFORE, I WAS SURPRISED WHEN THE HEARING OFFICER ACCEPTED THEIR ARGUMENTS, BECAUSE TO MY OPINION, THEY HAVE NOT PROVEN THEIR CASE. I EXPECTED THAT HE WILL ASK THEM TO BRING A REAL PROOF FOR LODGING SUCH AS A TESTIMONY OF A LODGER IN HIS CHAMBER. INTERNET ADS AND OUT OF STATE LICENCE PLATE ARE NO PROOF FOR LODGING.

FURTHERMORE, THEY ASKED FOR THE MAXIMUM FINE PER VIOLATION THAT A HEARING OFFICER CAN LEVI FOR THE WORST POSSIBLE VIOLATION. LODGING, TO MY OPINION, IS A MINOR VIOLATION OF THE COUNTY CODE FOR RESIDENTIAL ZONING. THERE IS A SCALE THAT CONECTS THE AMOUNT OF THE FINE TO THE SERIOSNESS OF THE VIOLATION. ACCORDEING TO THE SCALE, THIS DECISION SHOULD HAVE LEVIED A MINOR FINE TO THIS MINOR VIOLATION, IN THE VACINITY OF \$50. INSTEAD, IT LEVIED AN ASTRONOMICAL FINE OF \$15,000 IN CASE OF NONE COMPLIANCE.

IN ADDITION, THIS DECISION IS CLEARLY NOT DEALING WITH THE VIOLATION OF LODGING AT ALL. THEREFORE, THE TOTAL HENDLING OF THIS CASE BY HEARING OFFICER CHARLES HASTINGS IS CLEARLY FLAWED, QUESTIONABLE AND SUSPICIOUS. I ASK THIS COURT TO LOOK INTO IT.