

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-222

Complainant: No. 1371210773A

Judge: No. 1371210773B

ORDER

A landlord alleged the judge mistreated him, rejected his evidence, denied attorneys fees and court costs, extended dates for writs of restitution, and ordered him to refund rent to one tenant. After reviewing the allegations and the judge's response, the commission found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 21, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2010.

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

Date: August 20, 2009

To Whom It May Concern:

I am hereby filing a Complaint against the South Mountain Justice of the Peace, Today I appeared in Court on two Immediate Eviction actions with my attorney, of-counsel with office. The case numbers are CC2009- and CC2009- . I have had continued problems with these two tenants involving serious property damage (holes in walls, gang graffiti throughout the home on the walls and doors, inside and out), threats to myself and others personal safety (including threats to burn the house down and to shoot us and others), actual physical violence against other residents (beat up another resident on multiple occasions and during first week of August both apartments were involved in a fight where guns were brought out and some got arrested). I have given the tenants multiple notices and finally filed these immediates for "fighting, disturbing neighbors, threatening and intimidation with a gun and verbal threats, and not maintaining premises clean."

When I stood before Judge I gave testimony as to all of the allegations in my notice. In the first case, admitted that there had been physical fights, that were at least 8 people in her apartment and 11 in the second apartment, when there is 11 in hers and 15 in the other, that some of her guests carried guns but that it was no big deal, that she was a "scrapper" and that's why the home interior and exterior was 10 foot high with junk, (I rented her a house and not a junk yard) but then complained about the condition of the premises. I continued to try to explain that they were the ones breaking the appliances and causing the damage but Judge wouldn't listen to me. The only time I spoke Judge was talking to the court clerk, said for me to continue that he was listening but continued talking to the clerk and didn't hear what I said. He asked Ms. questions about how many people were in the apartment (at least 8 when only 5 were authorized) and about the fighting. Mr. argued that the evidence proved that most of the damages were caused by the tenants but the Judge didn't agree and wouldn't listen to any thing I tried to tell him. It appeared completely irrelevant that the reason why I didn't make repairs is because the tenants kept threatening my worker with physical harm and damaging his vehicle when he came to do repairs, which is why I had filed the eviction action. I even tried to explain an issue with the water heater which my worker had repaired and had immediately been vandalized by the tenants which caused damage to the premises by pulling out the wires again and taking off the covers. The second case against went just as poorly. The tenant admitted that she had fought with her sister in a physical altercation and caused damage to the inside and outside of the apartment by spray painting graffiti (which she claims she has since painted on the inside but not the outside), I set up an inspection to look at the inside of the house but had the door closed on our face and that they had broken windows that were still not repaired. This tenant then spent considerable time complaining about

the condition of the apartment. Judge _____ once again, wouldn't listen to any thing I told him in explanation of the condition of the home.

In both cases, the Judge reprimanded me saying that the condition of the apartment was horrid when all of the pictures showed that it was the tenant's lack of cleanliness and debris that actually created the problem.

I was denied my right to due process when the Court would not let me have a trial. The hearing was really a free for all. The Court did not allow my attorney to make an opening statement, he didn't mark any exhibits, and he allowed the tenants to just yell at me instead of asking me any questions on cross-examination despite my attorney's protest. I have been a landlord for 20 plus years and have had very good previous experiences in the Justice Court so I understand what the law is and what a trial should be. This Judge completely ignored the rules governing the operation of a trial and then went on to rule in complete disregard for the law. Attached are copies of the two rulings. In both cases, he stated that he was "granting the immediate" but then went on to deny me all of my attorney fees and court costs despite the fact that I had prevailed and that those are provided by Arizona law. Additionally, he extended the Writ of Restitution dates for six days, not the 12-24 hours pursuant to the law. To add insult to injury, he ordered me to pay \$650.00 even though there was no counterclaim (and counterclaims are not even permitted in an immediate per my attorney) and no authority for the judge to order me to refund a tenant's rent, especially when they get to live there for the entire month. Then, as if all of that was not enough disobedience to the law, the Court ordered me to Vacate the Judgments after they move out so that it won't appear on their credit.

This Judge clearly either doesn't know the law or has complete contempt for the law. I suspect it is probably both. Please look into this matter so that no one else is victimized by Judge

Sincerely,