

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-036

Complainant: No. 1385710083A

Judge: No. 1385710083B

ORDER

The complainant alleged that a retiring justice of the peace improperly engaged in his daughter's campaign to be elected to replace him on the bench. After investigating the allegations and reviewing the response from the judge, the commission found no evidence of ethical misconduct on the part of the judge and dismissed the complaint pursuant to Rules 16(a) and 23.

Dated: June 17, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 17, 2010.

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

FEB 10 2010

February 8, 2010

Commission on Judicial Conduct
1501 W. Washington, Suite 229
Phoenix, AZ 85007

Sheriff Paul Babeu
Pinal County Sheriff
971 Jason Lopez Circle, Building C
P.O. Box 867
Florence, AZ 85132

Mike Arnold
Pinal County Human Resources Dept.
P.O. Box 1387
Florence, AZ 85132

I am writing this letter to complain about the political activities by Justice of the Peace and his daughter, Judge Pro-Tem. This letter is being sent to all of you in your official capacities. As an employee of the Sheriff's Department, which Ms. refers to in her campaign ad, I believe Sheriff Babeu, County Attorney James Walsh and Mr. Arnold as head of the Human Resource Department, should be aware of these activities so that you can take the appropriate steps. I am also sending a copy to the Judicial Commission since both serve as judicial officers in this county.

I am enclosing with this letter a copy of the political brochure that has been distributed by Judge and his daughter throughout Casa Grande since October 2009, including at the Justice Court in Casa Grande. Judge and Judge Pro-Tem have both distributed these materials publicly either together or alone including at public events at Eva's Mexican Restaurant, the Cookie Jar in downtown Casa Grande, and at the Desert Vista High School. Both Judge and Judge Pro-Tem have told those in attendance that she is running for Justice of the Peace, Precinct 2, to replace her father who retires at the end of this term. Although the brochure does not announce the office she is seeking, it is clearly a political endorsement.

The same political slogan of "Go Go" has been used on the web page by Judge Pro-Tem and in an ad that appeared in the Casa Grande Dispatch in November 2009.

I have also enclosed with this letter a copy of the web page which again contains political endorsements.

As one who has watched Pinal County politics for years, I know that the county has a policy prohibiting employees from engaging in certain political activities while still employed by the county. Regardless of what office is sought, ANY political activity requires the employee to resign first. I also understand that the code which applies to judges prohibits them from campaigning for anyone except themselves. I also believe that every candidate has to inform the local Elections Department whether they are going to establish a political committee for their campaign before raising or spending any money. As both Judge [redacted] and Judge Pro-Tem [redacted] are judges, they are held to the Judicial Code. Further, as Ms. [redacted] works for the Human Resource Department for the county, she is certainly aware of the requirement that she resigns before running for office. By distributing the brochure for the last several months, I believe Judge [redacted] and his daughter have committed the following violations:

- Ms. [redacted] chose to engage in public political action several months prior to her filing her paperwork with the Pinal County Elections Dept. on December 17, 2009, without first having to resign her position;
- Judge [redacted] was allowed to campaign for his daughter in violation of the Judicial Code and in violation of the county policy requiring her to resign before doing so;
- Judge Pro-Tem [redacted] allowed her father to campaign on her behalf in violation of the Judicial Code;
- Judge [redacted] is endorsing and supervising his daughter in violation of county policies; and
- Judge Pro-Tem [redacted] and Judge [redacted] violated the elections law by raising and spending monies on her campaign before notifying the Elections Department of forming a campaign committee. I have included a copy of the campaign report for her exploratory committee which does not include any reference to the campaign brochures which have been circulating since October, 2009.

The second concern I have is that Judge [redacted] has allowed his daughter to conduct court at the Casa Grande Justice Court and in fact, has assisted her on the bench. I am also enclosing with this letter a CD recorded in October 2009, which confirms that Judge [redacted] introduces his daughter, and assisted her in proceeding before that court. I am told that no county employee is permitted to supervise a relative regardless of whether they are a judge or not. Judge [redacted] should not be allowed to supervise his daughter in any capacity, even as Judge Pro-Tem.

Please feel free to call me with any questions at (602)

Sincerely,