

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-266

Complainant: No. 1403010016A

Judge: No. 1403010016B

ORDER

An election opponent alleged that a justice of the peace used misleading ads during the campaign. After reviewing the complaint and the judge's response, the commission found insufficient evidence to substantiate the allegations. Pursuant to Rules 16(b) and 23, the complaint is dismissed with a private advisory letter to the judge.

Dated: April 18, 2011.

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on April 18, 2011.

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

From:
Sent: Friday, October 15, 2010 5:11 PM
To: Commission on Judicial Conduct
Subject: Judicial campaign complaint
Attachments:

Dear Members of the Commission,

My name is _____ and I am currently running for the position of Globe Regional Justice of the Peace against _____ and _____

It has come to my attention that Mr. _____ has chosen to disregard the Arizona Code of Judicial Conduct in the following areas;

Rule 4.3. Campaign Standards and Communications

During the course of any campaign for nomination or election to judicial office, a judicial candidate, by means of campaign materials, including sample ballots, advertisements in the media, electronic communications, or a speech, press release, or any other public communication, shall not knowingly or with reckless disregard do any of the following:

(A) Post, publish, broadcast, transmit, circulate, or distribute information concerning the judicial candidate or an opponent that would be deceiving or misleading to a reasonable person;

(B) Manifest bias or prejudice toward an opponent that would be prohibited in the performance of judicial duties under Rule 2.3(B), which prohibition does not preclude a judicial candidate from making legitimate reference to the listed factors when they are relevant to the qualifications for judicial office;

(F) Misrepresent the identity, qualifications, present position, or any other fact about the judicial candidate or an opponent;

(I) Make a false or misleading statement about an opponent's personal background or history, and

Comment 1. A judicial candidate must be scrupulously accurate, fair, and honest in all statements made by the candidate and his or her campaign committee. This rule obligates the candidate and the committee to refrain from making statements that are false or misleading or that omit facts necessary to avoid misleading voters.

It is very clear that these rules apply to anyone campaigning for a judiciary position. Not just sitting judges.

This link, <http://www.gila1019.com/News.aspx> will bring you to the website of KQSS, a radio station owned by Mr. Bill Taylor. Mr. Taylor is one of Mr _____ backers and was also one of Mr _____ circulator of petitions. This is the "local news" page of the website. Under the first ad for Mr. _____ you will see a box containing the following text

"Justice For All, Not Just a Select Few _____ responds to concerns, talks about the problems in the Gila County Justice Court, and how voters looking for change need to look at the important issues and the facts when electing the new Gila County Justice of the Peace. Read Full Response Here.....

This immediately misleads the reader to think this is a news story and not a political ad since it is sitting just under such an ad and nowhere does it have "paid for by".

The ad is based on a response to an anonymous or possibly fictitious email. While reading the ad you will notice nowhere does it say who wrote or sent the email or who it was sent to. Mr. [redacted] response is as if this were an editorial page further misleading the reader and while doing so attacks my abilities, Mr. [redacted] abilities and the character of Mr. [redacted] wife. Without verifying anything in the anonymous email, he quotes part of it as follows, "The "very upset" citizen who started the 'rumor' also calls out [redacted] because he once wrote on the Gila 101.9 news blog that he was so happy to move to Tucson to get away from this place". This is a rearrangement of my actual post and completely changes the meaning I was setting forth. Instead of spreading the gossip Mr. [redacted] could have easily checked the original post as the owner of the radio station and website is working on his campaign.

In the ad, not only does he infer that neither I or [redacted] Nolan have sufficient qualifications for the JP position, he goes even further to state that [redacted] is not qualified for the position because his wife resigned from it under pressure from the State of Arizona Commission on Judicial Conduct. He also states that the Gila County Attorney was a circulator of petitions for me which is completely false.

In the other two ads sent as attachments Mr. [redacted] specifically states that he fixed the Globe JP Court and improved it's image in the community. This is also far from the truth. In the late nineties, Mr. [redacted] was the JP of Miami. During his term he hired Mr. Tim Donovan who had been let go from Pima County due to sexual harassment charges. Mr. Donovan was also charged with sexual harassment while working under Mr. [redacted] who refused to take corrective action. The story made the local Globe papers and certainly did not instill any confidence in the Miami JP court as Mr. [redacted] claims.

Thank you for your time and attention to this matter,