

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-316

Complainant: No. 1406110808A

Judge: No. 1406110808B

ORDER

The complainant alleged that a superior court judge demonstrated bias against him by refusing to accept his evidence, engaging in ex parte communications, allowing court staff to mistreat him, and refusing to sign a final judgment. After reviewing the allegations and the judge's response, the commission found no evidence of ethical misconduct on the part of the judge. The complainant filed a notice of appeal before final judgment was entered. As a result, the judge declined to take action in the case until he received direction from the court of appeals. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 3, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on March 3, 2011.

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

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State of Arizona
Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
November 20, 2010

To Whom It May Concern,

Judge _____ of the Yavapai Superior Court refused to view the Plaintiff's evidence in the case P1300CV2010 ON July 26, 2010 Judge _____ granted the Petitioner two Motion hearing and then denied them.

The Judge continues to use only the defendant's evidence and has on many occasions stated wrong dates, places and people involved in this case.

The Judge ruled that the plaintiff served at the Pleasure of the Bishop, The Plaintiff never denied this fact. The Judge in his Judgment states that the Plaintiff was fired on September 22, 2009 by the Bishop is totally incorrect.

The Plaintiff a Permanent Deacon with the Catholic Church for 8 ½ years was approached by a parishioner who had a reasonable Sexual Harassment Complaint against Father Daniel Vollmer. He continued to harass her about the size of her breasts, stating they were too big.

According to Church Policy and Procedures and the States Attorney's office once I received this information I was obligated to file a report. The report was filed and accepted by Father Dan SanFilipi. Three days later the Plaintiff was called to the Pastor Father Daniel Vollmer's office on the evening of September 8, 2009 and was told he was fired. The Plaintiff was given no reason for the firing but was obviously RETALIATION FIRING for filing the complaint.

The State and Church protect employees and volunteers who file a Sexual Complaint. Judge _____ refused to accept this evidence in his ruling. He also stated this was a Violation of Church and State. In the Catholic Church's own laws it states, "It cannot handle or rule on cases involving damages which the Plaintiff had requested. Therefore, it DEFERRED TO THE CIVIL COURT to hear the case. This is a statement where the Church admits this is not a violation of Church and State. Again Judge _____ never reviewed this evidence.

The Plaintiff was told two weeks later on September 22, 2009 that after he was fired the Bishop ordered an investigation against the Plaintiff this violates ACT 1972 "Timing and Reasoning" stating no evidence can be gather after a person has been fired. The Bishop used a fellow Deacon to perform the investigation and then stated all records were destroyed before the Plaintiff was allowed to read them. Judge Jones allowed this miscarriage of justice by refusing to accept the Plaintiff had already been fired on September 8, 2009 by the Priest the Plaintiff filed the Sexual Harassment against.

Judge allowed his legal assistant, Laura Ruiz to correspond secretly with the defendant's attorney by e-mail by passing information back and forth keeping the Plaintiff from receiving the same information. She is Catholic and showed great bias in her decision making, she should be terminated for her one sided behavior.

Judge promised the Plaintiff two hearing to explain his motions then reigned. He admitted he did not understand the Plaintiffs evidence it was all labeled and numbered. His decision violates neither the protection offered by the State and Church in nor retaliating against someone who follows the law and files a Sexual Complaint once he has learned of the harassment.

I pray this decision will be agree Judge made critical errors in the interpretation of the Laws of Arizona by refusing to protect those under harassment because a Priest does not like the size of a woman's breasts. All the Plaintiff did was following the law and was punished by being terminated from his position within the Church. Then the defendants covered the complaint which violates the agreement between the Arizona States Attorney's Office and the Catholic Church to stop Sexual Harassment.

This date 20th. Day of November. 2010