

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-348

Complainant: No. 1408510862A

Judge: No. 1408510862B

ORDER

The complainant alleged that a municipal court judge had conflicts of interests because she was the town grant administrator and was married to a police sergeant. She also believed the judge was not qualified to sit on the bench because she is not law-trained, and she ignored her motions. After analyzing the allegations, reading the judge's response, and considering the context of the situation, the commission found no ethical misconduct on the part of the judge. As a part-time employee, the judge is allowed to perform other work that does not conflict with judicial duties, and her husband's assignments do not require him to appear in court. A municipal judge is not required to be an attorney. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 7, 2011.

FOR THE COMMISSION

/s/ Keith Stott

E. Keith Stott, Jr.
Executive Director

Copies of this order were mailed to the complainant and the judge on April 7, 2011.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2010-348

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: 12/21/10

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

Ms. _____ is the local magistrate for the town of Quartzsite. To begin, she **(1) HAS ZERO LEGAL BACKGROUND, (2) SHE IS THE GRANT WRITER FOR THE TOWN, WHILE HOLDING THE POSITION OF MAGISTRATE, AND (3) SHE IS MARRIED TO THE SERGEANT OF THE QUARTZSITE POLICE DEPARTMENT.**

#1: Having zero legal background, Ms. _____ has refused to acknowledge my motions and demands, and instead has failed to respond at all, despite the fact that she has a legal and moral obligation to do so. She has continued to ignore me on all fronts. Based on the fact that she doesn't know the law or what her obligations and duties are as a magistrate, I cannot receive a fair trial in my case.

#2: Conflict of Interest. How can Ms. _____ be a fair and impartial magistrate while holding the position of the grant writer for the town, a position who's duty is to increase revenue for the town?

#3: SERIOUS Conflict of Interest. Ms. _____ is married to the sergeant of the Quartzsite Police Department, and the sergeant oversees the officer who cited me. On 11/4/10 Quartzsite Mayor Ed Foster informed me via telephone conversation that Ms. _____ husband's salary is dependent on a conviction rate that she controls. Furthermore, if Ms. _____ dismisses a traffic case, her dismissal reflects poorly on the officer who wrote the ticket and the officer's superiors, hence, her dismissal reflects poorly on her husband's professional reputation. Although I've corresponded several times with Ms. Frausto, Ms. _____ never disclosed this vital fact which constitutes a clear conflict of interest and, instead, has denied all motions I've filed in her court. She has REFUSED to allow me a fair trial.

On or about 8/20/10, I filed a Motion to Vacate based on very solid facts (the most important being that by the Arizona Attorney General's own admission, there is no plaintiff in my case). Ms. _____ denied my motion in one short sentence. I then filed a Demand for Finding of Fact and Conclusion of Law on 10/21/10, for which Ms. _____ has ignored my demand and has failed to respond at all, **violating Arizona Constitution, Article VI, Section 2.**

Ms. _____ is also engaged in **tax evasion** and is in possession of contraband in the form of unregistered "registration-required obligation" in which the interest and taxes have not been reported or paid under §§ 163(f), 4701 and 6049 of U.S.C.A. Title 26. I need not touch too much on this subject as I only need to report her to the IRS and they will handle it from there.

I understand that the AZ Judicial Conduct board cannot overturn rulings, and I am not asking for this. However, I have thoroughly provided an unshakable defense in my case and Ms. _____ has refused to explain what her legal basis is for denial on all fronts. Ms. _____ decision to deny every motion I've entered without providing any grounds for her rulings stinks of nothing more than rubber-stamping on her part for the purpose of generating income for herself and her husband. She has shown zero respect to the law or the Constitution and has shown zero accountability to the general public.

(Attach additional sheets as needed)

Ms. [redacted] has (1) willfully and persistently failed to perform her duties as a magistrate by failing to respond to my motions and demands, (2) has not performed her duties of judicial office impartially and diligently and has clearly created an appearance of bias by not admitting her blatant conflict of interest, (3) has failed to install public confidence in the judicial system as no citizen can believe they can get a fair trial if her husband's salary is directly proportional to her conviction rate, and (4) has conducted herself in a manner which brings the judiciary into disrepute by committing tax evasion and turning a blind eye to extortion and fraud, among other things. *I would urge this board to investigate the number of complaints and lawsuits brought against this magistrate court, the town as a whole, and the Quartzsite police department.*

Ms. [redacted] cannot be unbiased and fair to the defendants that her husband and his crew cite without damaging her own husband's reputation as well as hurting her own salary. It takes a small amount of common sense to see that no citizen can honestly feel they can receive a fair trial based on these circumstances.

I would like to make note to the Commission's major case summary:

In re Nichols, JC-96-0001 (1996): "... The charges against the judge involved unethical resolution of civil and criminal traffic tickets, ... delaying or failing to perform duties..." and *In re Carpenter*, JC-00-0002 (2001): "...failing to recuse himself and otherwise creating an appearance of bias, using his judicial position inappropriately, failing to respect the rights of litigants before him, and failing to adequately perform his judicial responsibilities."

I am appealing to this Commission to review Ms. [redacted] behavior, not her decisions. I am also urging this Commission to contact Quartzsite Mayor Ed Foster (928) 750-8113 for more detailed information about Ms. [redacted]

behavior and her questionable ethics. I also make note that the Arizona Judicial Commission received a previous complaint against Ms. [redacted] by Mayor Ed Foster in the Fall of 2009. Mayor Foster stated to me that the AZ Judicial Commission never responded to his complaint, nor can I find any record of his complaint on your website; it seems this complaint has vanished into thin air.

I also urge this court to contact Mrs. Jade Jones (witness noted above) who has filed a Federal Injunction against the town of Quartzsite, specifically naming Ms. [redacted] husband with assault, bribery, coercion, extortion, and other criminal acts, with Mayor Foster as one of many, many witnesses. Ms. [redacted] is aware of her husband's criminal behavior and has chosen to take no legal action to stop it. Furthermore, based on the cases brought before her court by her husband himself, it's clear that not only is she aware of her husband's behavior, she condones it. It's only a matter of time before her criminal behavior is brought to light.

As it has become abundantly clear that the only way to spur a governmental agency or commission into action is to force them through the avoidance of public embarrassment, I will be contacting all local news outlets (specifically KPHO Phoenix, AZ, 20/20, and Dateline) regarding this story and requesting a full investigation of the Quartzsite Magistrate Court and the town's corruption as a whole. I will do everything in my power to make Ms. [redacted] behavior public to all of Arizona and the nation. Based on the evidence against her, the federal case filed against the town, and the tens of complaints filed, many with your own office, I don't doubt this story will become public, PROBABLY BIGGER THAN THE BELL, CA STORY. *I would expect that the Judicial Commission would not want to be on the "we did nothing to stop this" side of things when this story breaks.*

I've been told by local residents that the Arizona Judicial Commission has received many complaints against Ms. [redacted]

and I find it very disappointing that this council has chosen to do absolutely nothing. I have very little confidence that this council will take any action whatsoever against this woman; after reviewing your decisions online, it seems one must be sexually harassed or have proof of bribes being taken before you do anything. It would behoove the Commission to take this complaint seriously and do a full investigation on Ms. [redacted] before you dismiss it. I am very seriously considering filing a counter-claim against Ms. [redacted] for fraud, racketeering, extortion, coercion, and violations of the RICO Act. Furthermore, I intend to lien the entire town due to this massive corruption.

On a final note, I will be filing a separate complaint against Judge Michael Burke, presiding Judge of La Paz County, who, in a room full of prospective jurors, straight-out lied to my face when telling me he had no jurisdiction over Quartzsite and that he had nothing to do with the magistrate court.

I'd like to bring to your attention an article written by Jade Jones, local resident, published in the Parker Pioneer recently. It would behoove the Arizona Judicial Commission, the Governor's Office, and the Attorney General's Office to **TAKE NOTICE AND DO SOMETHING ABOUT THIS WOMAN!**

IS "JUSTICE COURT" AN OXYMORON IN QUARTZSITE?

Many critics view the Quartzsite Magistrate Court as nothing more than a revenue-generating racket for the town. The return of our winter visitors brings an increase in "revenue" which may be greatly offset by the cost of a trial, especially if it's a jury trial (about \$5,000 a day or more). The number of citations has almost doubled for the month of November, when compared to last year. In the interest of justice, the following fun filled facts are presented to the accused:

To be a magistrate or justice of the peace in La Paz County, you need only be a resident, over 18 years of age, and speak English. No legal background is required.

Quartzsite Magistrate is married to _____ for the Quartzsite Police Department.

_____ is also the town's grant writer, a position whose duty is basically to increase revenue.

You may decline having your case brought before the police officer's wife if you complete the written request form. Your case will likely then be transferred across the street to the La Paz County Justice Court, Quartzsite Division.

Beth Williams, La Paz County Justice of the Peace, Quartzsite division, owns the "home" currently rented by Quartzsite Police Chief Jeff Gilbert and his wife Sondra.

Can you receive a fair trial when there appears to be such a clear conflict of interest? Maybe Justice Michael Newman will be brought in to hear your case. Wait, isn't Judge Newman the brother of Quartzsite Town Prosecutor Matt Newman?

If you truly believe that your **"vital role is to promote public confidence in the judiciary and to preserve the integrity of the judicial process"**, than as a citizen for which you serve, I expect this complaint be taken very seriously, because right now I **have lost all confidence in our legal system and the judiciary** after dealing with Ms. _____ and Mr. Burke. I expect that the Commission will do everything in it's power to restore my confidence, being that that's your job.

Thank you for your time and consideration.

cc: Ms. Audrey Berger, President, Quartzsite Municipal Property Corp. (DUNS #004963926, EIN #86-0642110)
 Arizona Attorney General Terry Goddard (DUNS #804914802)
 Chief Justice Rebecca White Berch, Chair of the Arizona Judicial Council (DUNS #098401487)
 Mr. David Byers, Administrative Director of the Arizona Judicial Council (DUNS #098401487)
 The Honorable Jan Brewer, Governor of Arizona (DUNS #072459266)