

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-118

Complainant: No. 1418110925A

Judge: No. 1418110925B

ORDER

The complainant alleged that a justice court hearing officer did not allow him to present his case and made up his mind before the hearing began. After considering the allegations and listening to the recording of the hearing, the commission found no evidence of ethical misconduct on the part of the hearing officer. The hearing officer acted within his authority in deciding what evidence to accept, and the recording reveals that the complainant was allowed to present his case sufficiently to comply with Rule 2.6(A). Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 3, 2011.

FOR THE COMMISSION

/s/ George Riemer
George A. Riemer
Executive Director

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

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

Case: cc- 2010-047631

JUDGE :

DATE 4-7-2010

The purpose of bringing this suit was to get reimbursement for repairs I had to have made to a park model house which my wife and I purchased on an "as is" sale in September, 2010.. These repairs were needed to correct problems which were not revealed to us by the seller- some were misrepresented to us and some were concealed from us.

The Hearing Officer- - refused to let me present visual proof of the defects as well as copies of e-mails I received from the defendant and his friend (who assumed the role of intermediary when the defendant refused to consider any negotiations). These e-mails explained part of the reason for the delay in bringing the suit.

I was not permitted to present my case in its entirety. I was unable to state all of the defects found- only the roof which was warped in one area as much as a foot . This allowed anyone on a ladder to see as far as 8 feet under the roof. I did not have access to a ladder at the time we looked at the house and could see only three sides of the roof. The defendant stated to myself and my wife that the roof was in excellent condition.

The defendant did not reveal that the hot water had been shut off under the kitchen sink. This was the done instead of repairing a bad leak which flooded part of the home and ultimately damaged the flooring in the living room. Since the kitchen sink has a single faucet, I could not tell that the hot water had been turned off since water still flowed through the faucet.

I was not permitted to show that there was an overloaded electrical circuit in the Arizona room. This was concealed by the defendant disconnecting the electric water heater. I had to call an electrician twice to repair hidden electrical problems..

My interrupted my case and asked the defendant for his comments which were given. He then asked me if I had more to talk about. When I said I did, he ignored me and asked the defendant to state his case which he did. The defendant was permitted to make statements that were not proven such as a statement from a third party that everything in the house was in fine condition. Nothing written- no person was present.

After the judgment was made, Mr. made a statement which I believe clearly shows he did not grasp the intent of my suit . He stated the case was "like someone who bought a car with green wheels and after three months decided he did not like green wheels and wanted to give the car back".

At no time and nowhere on my complaint was there any reference to having the house returned to the seller. I was asking for reimbursement for repairs necessitated by fraud on the part of the seller.

The only reference to three months was on the defendant's response form. I was not given the opportunity to explain the reason for the delay ie, my wife's illness, my wife's surgery, my illness, the extended negotiations between us and the defendant's friend. This turned out to be a critical factor in Mr. ruling. It was not a part of any discussion during the hearing.

It seemed that Mr. was quite anxious to conclude the hearing and one might conclude that he had made up his mind before the hearing began- based on the three month statement and the "green wheel" statement.