

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-124

Complainant: No. 1418510033A

Judge: No. 1418510033B

ORDER

The complainant alleged that three superior court judges made incorrect rulings and one judge improperly back-dated the final judgment order and failed to disqualify himself.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing all of the information provided by the complainant, the response from one judge, and the court record, the commission decided to dismiss this matter with a private advisory letter to one judge. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: October 21, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on October 21, 2011.

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

On October 15, 2008, Sandra J. Chandler filed for divorce against me a disabled senior citizen, in Arizona Superior Court in Mohave County, located in Bullhead City. The problem was, neither Sandra nor I were legal residents of Arizona for purposes of divorce, meaning that the Arizona court had no jurisdiction to legally divorce us. In reality, the Chandlers' were both residents of Nevada at the time, living in Las Vegas and occasionally traveling to their second house in Arizona. In fact, at the time she filed for divorce against me in Arizona, swearing herself an Arizona resident, Sandra actually had two active Nevada district court lawsuits in which she continually maintained under oath that she resided in Clark County, Nevada. The address on these lawsuits was changed on October 29, 2008.

Arizona law clearly requires, in ARS 25-312, that in order for the court to obtain jurisdiction in order to grant a divorce in that state, at least one spouse must have been domiciled in Arizona for 90 days prior to filing for the divorce there. However, when Sandra filed for divorce on October 15, 2008, there was absolutely nothing to suggest that she was indeed ever domiciled in Arizona, as required by law, including the critical previous 90 days. Sandra even voted in Nevada about two weeks *later* on November 4, 2008, then filed her personal tax return in Nevada on October 15, 2008 (the very day she filed for divorce in Arizona), and licensed a vehicle in Nevada on that same date, always listing her Nevada address.

Sandra had quite a few devious reasons for wanting to avoid Nevada courts and divorce me elsewhere. She was caught stealing at least twelve valuable guns from her former husband John Taylor's collection and selling them to a pawn shop the next town over. Sandra also sold her and John's community property house right from under John's nose, without his knowledge. She then committed mortgage fraud by overstating the purchase price of the house by \$200,000, writing a fraudulent payment receipt for that amount, paying her "straw buyer" \$80,000 of the sale proceeds from the mortgage company, and pocketing the rest, all after pre-signing a contract to repurchase the house from the straw buyer. Sandra also committed tax fraud, deducting \$52,000 of mortgage interest from the straw buyer's mortgage payments on the house she just sold to him, which were all made from an account she had funded herself and submitted to the court as part of her financial disclosure.

Upon learning that Sandra had filed for divorce from me in Arizona, I immediately contacted Sandra's Arizona attorney Nancy A. Kelley in writing, explaining all the reasons that we were not Arizona residents and that they therefore could not be divorced in that state. Kelley ignored my letter and knowingly pressed on with the illegal case.

Despite my immediate challenge to the Arizona Superior Court in and for the County of Mohave's jurisdiction at the very first hearing in the divorce case on December 3, 2008, judge still gave Sandra exclusive use of the community property Arizona second home at the hearing. It was simply illegal for the court to strip me of my house like this when the court's jurisdiction over the divorce was challenged and not proven by the court.

The same day as the hearing, I hired his attorney Eric Engan to immediately file a motion with the court to dismiss the case for lack of jurisdiction. However, Sandra ultimately capitalized on illegal exclusive use decision, and the door lock change recommended, to keep not only the house but also all of our community property and most of my personal property.

The court blatantly violated the law and my civil rights in waiting some four months after taking the house to answer the challenge to jurisdiction. On April 1, 2009, at an evidentiary hearing to belatedly determine the domicile (and the court's jurisdiction), I produced an abundance of documentation that directly proved under Arizona law that neither Sandra nor I were Arizona residents

at the time the divorce suit was filed, thereby stripping [redacted] and his court of jurisdiction over the case and proving the illegality of [redacted] actions. The comprehensive documentation I introduced in court included drivers licenses, voter registrations, automobile registrations, income tax returns, license plate photos, social security documents, and more. Moreover, Sandra had even testified under oath that she still voted in Nevada on November 4, 2008.

Despite everything that was presented proving that Arizona courts had no jurisdiction over this divorce, judge [redacted] simply ignored his own duty, the law, and all of the evidence. [redacted] tried to downplay my documents by literally condoning tax evasion and voting fraud on the record, and calling vehicle license, insurance, and registration changes "truly.. expensive... hassle(s)". (see attached order dated April 14,2009) [redacted] violated clearly established law "The law provides that once State and Federal jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980). Once jurisdiction is challenged, it must be proven. "Hagens v. Lavine, 415 U.S. 533. In continuing the case after failing to meet his burden to prove the court had jurisdiction once I challenged it. Only by completely casting aside the the law did [redacted] rule in Sandra's favor. (see Order dated 4/14/2009) Absolutely nothing in this order proves or even attempts to prove either Sandra or myself were domiciled in Arizona in mid July, 2008 and it is unprovable because nothing ever existed that could prove this because we were domiciled in Nevada.

Directly after this, Kelley quit as Sandra's attorney, and Sandra hired Arizona attorney Stephen L. Irgens as a replacement. Just as with Kelley, I informed Irgens in detail about the jurisdictional problem with the case, but Irgens ignored me, too.

Almost a year later, in April 2010, after violating the law and failing to dismiss the divorce, [redacted] suddenly and mysteriously removed himself from the case, stating only that there was a "conflict of interest". Now representing myself without an attorney, I wrote to the court demanding dismissal of the case due to [redacted] sudden recusal. [redacted] conflict of interest, whatever it was based on, likely existed from the divorce's inception and should have voided all of [redacted] decisions in the case. However, the court's presiding judge, [redacted] joined in with the others against me and improperly continued the case by transferring it to another superior court judge,

[redacted] transferred the case to [redacted] after [redacted] recusal due to the conflict of interest, even though [redacted] knew that judges [redacted] and [redacted] had close professional and personal ties. [redacted] was a law partner with [redacted] wife, attorney Jamie Kelley (also known as Jamie K. [redacted]), in the Bullhead City, Arizona law firm Kelley, Moss, & Williams (previously [redacted] & Kelley, and currently Kelley, Moss, & Holden). Is it possible that Nancy A. Kelley and Jamie Kelley are related? Attorney Steven C. Moss, the third namesake of the firm, was [redacted] 2010 judicial election campaign manager. [redacted] knew of all this because he, personally, appointed [redacted] to the bench.

Meanwhile, I was being further financially ruined by Sandra's skillful manipulation of the [redacted] second home in Arizona. Sandra had claimed in court that she needed the house because she had nowhere else to go. Sandra stated under oath that she could easily afford to make mortgage payments on the house, evidenced by her tax returns, a steady pension from Ford Motor Company, social security benefits, and over a quarter of a million dollars in Ford stock (that has since more than quadrupled in value). Upon [redacted] bestowing the windfall of exclusive use upon Sandra, she was obligated to make the payments starting December 2008.

Nevertheless, Sandra soon defaulted on the mortgage and abandoned the house. I eventually

found out about the default and abandonment many months later, when the bank contacted me about the missing payments and my credit cards being frozen. The records show she was in default at the time of the evidentiary hearing. I was denied a chance to sell or rent this house to save my credit at a time I need it most.

Directly because of Sandra's, Kelley's, Irgens', and actions, I was forced to file for bankruptcy in November 2009.

Fresh on the case, set a divorce trial date of August 16, 2010. However, on August 12, 2010, just four days before the trial, denied my latest motion to dismiss filed on 06/23/2010 regarding conflict of interest and prior motion due to lacking residency requirement. This requirement cannot legally be met by not ruling on an illegal case for a long time. It is still illegal! Simply stating that decisions, despite the suspicious conflict of interest, were the "law of the case". Again, after being new on the case and faced with a jurisdictional challenge that requires proof of jurisdiction or dismissal, judge did neither. At the trial, which I did not attend, told Irgens to draft a formal notice of divorce and separation of marital property for to sign, finalizing the divorce decree. As requested, Irgens filed the notice with the court a few days later. However, has never signed it until April 20, 2011.

Sandra schemed to divorce me in Arizona, avoiding her legal problems in Nevada and providing her boyfriend/ brother a place to move into when he left his wife of many years to be with Sandra, essentially repossessing a house that I bought from him with my cash and credit. Attorney Kelley knowingly agreed to join in the plan. Judge illegally assumed jurisdiction over the two Nevada residents in Arizona divorce court. Before even attempting to answer my dispute of the Arizona court's jurisdiction, robbed me of his community property rights to my second home in Arizona and gave it away completely to Sandra. Amazingly, did all of this while he had a conflict of interest in the case. The damage having been done, removed himself as the judge due to the conflict of interest. However, judges and along with Sandra's replacement attorney Irgens, picked up the torch, and continued the case and conspiracy against me, robbing me of my property, violating my civil rights, and ultimately forcing me into bankruptcy. It was an egregious assault on a disabled and terminally ill senior citizen.

On April 22, 2011 I received an "ORDER" from judge dated April 20, 2011 that he has issued a final decree backdated to August 23, 2010. This was done to coverup my wife's bigamous marriage to her brother George Schultheiss in November of 2010. This court can't do enough to aide the criminal Sandra When she kills me they will say I jumped in front of the bullet. This is an egregious assault on a disabled and terminally ill senior citizen.

On October 15, 2008 when Sandra and Nancy Kelley filed this illegal lawsuit, my bank account was drained to \$95.10. Sandra has everything that I owned including many mementos from a deceased friend. She transferred the trailer I once hauled my wheelchair on to her name on October 15, 2008 making it impossible to renew the license consequently I have not been able to transport my wheelchair since August of 2009. When Irgens drafted her final decree it states I am to have the trailer, however they sent me the owners manual instead of the title. I used to have my house in Las Vegas paid for and now owe over \$57,000 because of fighting an illegal lawsuit. My income is \$975.00 per month and I can't pay my co-pays for medical supplies and drugs. I am 6 months behind in my homeowner dues and have lived 2 years longer than predicted. The state of Arizona has done this to me for no reason other

than they can. One mistake is covered up by numerous other crimes by public officials to my detriment.

Not expecting it is going to make Arizona do anything fair or right or legal, I am going on the national news to at least tell my story about your corrupt judiciary. and should be behind bars for assault with intent murder over and above 18 USC 242 "under the color".

Sandra has an income of \$3500.00 per month, they abandoned my house that they had exclusive use of to move into another house built by her brother and owned by his company G&P Custom Homes. They left me to answer for all the bills including their final utility bills. I paid over \$17,000.00 of community bills in February of 2009 including credit cards that bought a new 46 inch tv and recumbant exercise bike bought in my last days in Arizona that were not returned to me that were paid by me when getting a reverse mortgage on my house not knowing or been notified of their mortgage fraud. There is no such thing as bigamy or grand theft in Arizona even though your code says there is an enhancement for theft from a vulnerable person.

Your corrupt judiciary can't or will not make a correct ruling on even where I live and would not allow this case to be tried in the proper and legal venue of Nevada. Sandra was under contract to work for a company she was part owner of called Dealers Direct LLC in Las Vegas, our cars were licensed and insured in Las Vegas at my address, our drivers licenses both stated we live in Las Vegas at my house. We both received social security benefits in Las Vegas that were deposited in a Las Vegas bank. My medicare was in Las Vegas, we both filed taxes in Las Vegas, and voted in Nevada. Sandra's communication and health insurance listed my house in Las Vegas as our address. Our only tie to Arizona was joint ownership of a second home. Even the mortgage payments and homeowner insurance listed Las Vegas as primary residence as did the loan application.

How could we be anything but Arizona domiciles?

Enclosed: April 14, 2009 Order, April 20, 2011 Order, December 2, 2008 voter registration,