

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-181

Complainant: No. 1412210939A

Judge: No. 1312210939B

ORDER

The complainant alleged that a superior court commissioner ignored false statements of a process server and allowed the opposing party to effect service by means other than personal service. He also alleged the commissioner knowingly violated the law and was biased. After reviewing the complaint and the court record, the commission found no evidence of ethical misconduct. The allegations primarily concern the commissioner's decisions, which are outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 9, 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 September 9, 2011.

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

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

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2011-181

PAGE 1

COMPLAINT AGAINST A JUDGE

Your name: _____

Judge's name: _____

Date: 7/21/11

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

ON JULY 13, 2011, COMMISSIONER NOT ONLY
 MADE AN UNLAWFUL DECISION, TO GRANT ALTERNATE SERVICE, BUT
 CONDUCTED THIS HEARING, IN A BIASED AND PERJURED WAY. ON
 JULY 11, 2011, AND TWO DAYS BEFORE THE FORCIBLE DETAINER HEARING,
 RECEIVED A ONE INCH PACKET IN HIS IN BOX. CANDACE
 WAS TOLD THERE ARE IMPORTANT PAPERS BEING PUT INTO THE BOX. THE
 PROCESS SERVER SAMUEL NAVARRETTE, COMMITTED PERJURY, AND
 FRAUD UPON THE COURT, BY STATING IN HIS AFFIDAVIT, THAT HE MADE
 3 VISITS OVER A 2 DAY PERIOD, HEARD NOISES INSIDE 3 CARS IN
 THE DRIVEWAY, THAT DEFENDANTS ARE HIDING AND AVOIDING SERVICE,
 AND THAT AN ALTERNATIVE SERVICE SHOULD BE APPROVED. DEFENDANT
 GAVE THE COURT PROOF THAT HE WAS OUT OF TOWN DURING THAT 3 DAY
 PERIOD WAS NOT HOME, WAS NOT AVOIDING SERVICE AND THERE WAS
 NO ONE TO MAKE NOISES INSIDE OF THE HOUSE. DEFENDANT OFFERED
 FIRM UNQUESTIONABLE PROOF TO THE COURT. DEFENDANT TOLD THE
 COURT THAT I STAND ON MY PLEADINGS, AND NOTICE AND DEMAND FILED
 INTO THIS CASE, AND THIS COURT. DID NOT FOLLOW
 THE RULES OR THE LAW. THE ONLY RULES AND LAW IN
 COURTROOM ARE WHAT ARE HIS WHIMS. A PERSON MUST BE PERSONALLY
 SERVED FOR THERE TO BE PROPER SERVICE. THE BANKS ARE PUSHING THE
 NON JUDICIAL PROCESS EVEN FURTHER, BY TRYING TO TOTALLY GET
 AROUND PERSONAL SERVICE. DEFENDANT STANDS ON NECESSITATING
 PERSONAL SERVICE. DEFENDANT HAS NEVER AVOIDED SERVICE. IN A
 PREVIOUS CASE FOR THIS SAME MATTER CV2010 - JUDGE KAREN
 POTTS, IN MESA SUPERIOR COURT DISMISSED THE MATTER FOR LACK
 OF PROPER SERVICE, ON FEBRUARY 16 2011. NOW MALCOLM & CISNEROS/
 KEVIN HAHN, A KNOWN FORECLOSURE MILL OPERATION, ARE STARTING UP AGAIN.

(Attach additional sheets as needed)

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IS NOT ARBITRATING FOR THE CASE, BUT TAKING SIDES WITH THE PLAINTIFF BANK THAT ADDS TO HIS RETIREMENT ACCOUNT. WITH SUCH A BIAS DEFENDANT DOES NOT BELIEVE HE WILL RECEIVE A FAIR AND JUST DECISION. DEFENDANT HAS ATTENDED OVER 100 FORCIBLE DETAINER HEARINGS, AND SO IS VERY FAMILIAR WITH HOW THE COURT OPERATES.

THE COURT IN THIS MATTER, HAS NO JURISDICTION TO PROCEED. DEFENDANT INFORMED THE CLERK, AND THE COMMISSIONER, THAT DEFENDANT IS MAKING A SPECIAL APPEARANCE, AND NOT A GENERAL APPEARANCE. MORE PRECISELY, PROPER. MAKING A SPECIAL APPEARANCE, NOT A GENERAL APPEARANCE. I STAND ON MY PLEADING. THIS COURT HAS NO JURISDICTION. I WAS NOT PROPERLY SERVED AND THIS CASE IS DISMISSED! THIS WAS REPEATED, A SECOND TIME, FROM OUTSIDE THE BAR, FURTHER STATING "I'VE INFORMED THIS COURT OF EVERYTHING IT NEEDS TO KNOW." DEFENDANT HAS THE FULL TRANSCRIPT, TRANSCRIBED BY ANTRANZ. THE COMMISSIONER WAS VISIBLY UPSET BY THE END OF THE HEARING. THE COMMISSIONER DID NOT FOLLOW THE RULES AND THE LAW IN A WILLFUL, INTENTIONAL, AND PURPOSEFUL MANNER. THIS WAS NOT A SITUATION WHERE THE COMMISSIONER JUST MADE AN HONEST MISTAKE. THE SCHRADER APPEAL DECISION WAS ALSO FILED INTO THE CASE, AS A MEMORY REFRESHER, IF NEEDED.

A COURT THIS COURT CANNOT STEAL JURISDICTION. A COURT EITHER HAS JURISDICTION, OR IT DOES NOT. WHEN THERE IS NO JURISDICTION, THEN "WE HAVE NO BUSINESS TOGETHER." A NEIGHBOR CANNOT TELL YOUR SON/TO MOW HIS GRASS, AS HE HAS NO JURISDICTION. DAUGHTER

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COMMISSIONER ONLY STATED THAT "I HAVE RECEIVED" THE NOTICE AND DEMAND. WHEN DEFENDANT WAS NOT SURE COMMISSIONER MORROW REVIEWED THE NOTICE AND DEMAND, COMMISSIONER SAID "SIR I DID NOTE THAT ON THE RECORD EARLIER; I'VE RECEIVED YOUR PACKET AND I HAVE REVIEWED IT." COMMISSIONER CONTINUED ON DISCUSSING THIS, BUT THE QUESTION WAS RAISED BY DEFENDANT, BECAUSE IT SEEMED IMPOSSIBLE THE WAY THE HEARING WAS GOING. WHEN DEFENDANT WOULD NOT GO ALONG WITH WAIVING SERVICE OR TO COOPERATE WITH THE PLAINTIFF TO ARRANGE A TIME OF PERSONAL SERVICE, THE COMMISSIONER GRANTED THE MOTION FOR ALTERNATE SERVICE. THE COMMISSIONER COMMITTED JUDICIAL MISCONDUCT BY NOT LOOKING AT THE FACTS, NOT TAKING INTO ACCOUNT THE HISTORY WITH PLAINTIFF/KAREN POTTS DISMISSAL, AND THE APPELLATE SCHRAEDER DECISION.

IF COMMISSIONER WAS NOT BIASED, AND POSSIBLY CORRUPT, THE HEARING WOULD HAVE BEEN CANCELED. COMMISSIONER WOULD HAVE DISMISSED THE CASE WITH PREJUDICE AND TOLD THE PLAINTIFF TO LEAVE THE DEFENDANT ALONE. INSTEAD COMMISSIONER COULD NOT OVERCOME HIS CONFLICT OF INTEREST TO PAD HIS RETIREMENT ACCOUNT. THE HEARING SHOULD HAVE GONE COMPLETELY DIFFERENTLY, AND WITH A FAVORABLE DECISION FOR THE DEFENDANT. THE HEARING SHOULD HAVE BEEN DISMISSED, AND THE PLAINTIFF WOULD HAVE TO START OVER. INSTEAD, COMMISSIONER ALMOST APPEARED TO HAVE GIVEN A NOTICE OF APPEARANCE, TO ADVOCATE FOR THE BANK, AND NOT ARBITRATE FOR THE CASE. THUS A VOID HEARING CONTINUED.

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SO WE HAVE COMMISSIONER, NOT FOLLOWING THE LAW AND THE RULES OF THE COURT. COMMISSIONER IS PAID BY THE CITIZENS TO BE AN OBJECTIVE JUDICIAL OFFICER. DAMIAN RICHARD, ATTORNEY / DEBT COLLECTOR FOR THE PLAINTIFF, KNEW THE PROCESS SERVER SAMUEL NAVARRETTE COMMITTED PERJURY. DAMIAN RICHARD IS ALSO A JUDICIAL OFFICER OF THE COURT, WHO KNOWS THE RULES AND LAWS, AND KNOWS TO NOT DISMISS PERJURY IS WRONG. TAKING ADVANTAGE OF A PRO SE LITIGANT / DEFENDANT IS UNETHICAL. THE PROCESS SERVER COMMITTED PERJURY, DUE TO AFFIDAVITS AND PROOF FILED OF NOT BEING HOME. SO WE HAVE THE COMMISSIONER, PLAINTIFF ATTORNEY, AND PROCESS SERVER, ALL OFFICERS OF THE COURT, NOT FOLLOWING THE RULES OR THE LAW. THE IMPLICATIONS FOR THIS ARE HUGE, AND WILL BE DECIDED MOST LIKELY BY THE APPEALATE COURT. NOW THAT DEFENDANT IS FILING THIS COMPLAINT AGAINST A JUDGE (COMMISSIONER) WITH THE COMMISSION ON JUDICIAL CONDUCT, IT WILL HAVE TO BE DETERMINED IF YET ANOTHER LAYER OF THE LEGAL SYSTEM WILL NOT FOLLOW THE LAW. COMMISSIONER WAS ANGERED BY DEFENDANTS PLEADING, AND WHAT WAS BEING PUT ON THE RECORD, BUT DID NOT CONCERN HIMSELF TO DO THE RIGHT THING, AND FOLLOW THE LAW. JUDGES / COMMISSIONERS TRICK THE PEOPLE AND BREAK THE LAW, BUT GET UPSET WHEN QUESTIONED.

DAMIAN RICHARD, PLAINTIFF'S ATTORNEY IS A SKILLED PERJURER. RIGHT AT THE BEGINNING, WHEN THE COMMISSIONER ASKED "DID YOU GET COPIES OF THE NOTICE AND DEMAND THAT

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MR. FILED? DID YOU RECEIVE THIS DOCUMENT? MR. RICHARD STATES "I HAVE NOT RECEIVED THAT DOCUMENT." I BELIEVE THIS ANSWER IS FALSE. MR. RICHARD FLEW IN FROM CALIFORNIA, AND ALL PAPERS WERE OVERNIGHTED USPS AND RECEIVED JULY 12, 2011, AT 12:03 PM. PLAINTIFF HAD RECEIVED THE PAPERS. MR. RICHARD, UNETHICALLY PROCEEDED TO DISCUSS "WE ACTUALLY HAVE A DECLARATION THAT'S SOMEWHAT CONSISTENT WITH HIS CONTESTATION." NOTHING HAD BEEN PUT ON THE RECORD YET TO DISCUSS WHY IT WAS BEING CONTESTED? SO MR. RICHARD IS DISCUSSING IN DETAIL A TOPIC WHICH "I HAVE NOT RECEIVED THAT DOCUMENT." IT TAKES A TRANSCRIPT, GOING TO HEARINGS, AND KNOWING HOW COMMISSIONERS/LAWYERS WORK TOGETHER, TO SEE HOW PROPER LITIGANTS ARE STEAM ROLLED OVER. THE PLAINTIFF BANK DOES ^{NOT} HAVE TO WORK HARD, OR WORRY, BECAUSE THE COMMISSIONER WILL ULTIMATELY RULE FOR THEM. THE COURTS ARE THAT CORRUPT NOW. IT IS CLOSE TO IMPOSSIBLE TO GET ANY TYPE OF FAIR FORCIBLE DETAINER HEARING. AND IF THIS COMMISSION HAS A BIAS ON THAT EVICTION IS WARRANTED, NOT IF MALCOLM & CISNELDS IS A KNOWN FORECLOSURE MILLS, THAT THERE WERE "ROBO SIGNERS," WITH FALSE AND/OR FORGED DOCUMENTS FILED INTO THE MARICOPA COUNTY RECORDER'S OFFICE, WHICH IS A FELONY. PLAINTIFF BANKS COMMITTING PERJURY AND FELONIES, AND RUBBER STAMPED BY THE COMMISSIONERS/JUDGES.

IT IS NECESSARY TO MENTION THAT IT IS ONLY A FLUKE THAT DEFENDANT SHOWED UP FOR THE 7/13/11 HEARING, UP UNTIL THAT DAY OF THE HEARING, AND SINCE 6/16/11 WHEN THE COMPLAINT WAS INITIATED PLAINTIFF HAD NOT CONTACTED DEFENDANT AT ALL. DEFENDANT FOUND THE CASE BY ACCIDENT, LOOKING ONLINE. PLAINTIFF

COMPLAINT AGAINST A JUDGE

Your name:

 Judge's name: JAMES MORROW Date: 7/21/11

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DID NOT EXPECT DEFENDANT TO SHOW UP OR FILE A RESPONSE, IN TIME FOR THE HEARING. BY GETTING ALTERNATE SERVICE APPROVED, PLAINTIFF WOULD VIRTUALLY BE ASSURED OF A VICTORY IN THIS CASE. THERE IS A VERY PRACTICAL REASON WHY DEFENDANT REQUIRES THAT PERSONAL SERVICE BE EFFECTUATED. ACCORDING TO THE APPELLATE COURT, AND SCHRADER, IT MUST BE FOLLOWED. THE COMMISSIONER AND THE PLAINTIFF ARE FULLY AWARE THAT DEFENDANT WAS NOT PROPERLY OR PERSONALLY SERVED.

PLAINTIFF HAS A PERSONAL HISTORY WITH DEFENDANT OF SEEKING ALTERNATE SERVICE EVIDENCED BY CV 2010- AND THE DISMISSAL OF THE MATTER BY JUDGE KAREN POTTS ON 2/16/11. PLAINTIFF WILL GO TO ANY LENGTH TO FRAUDULENTLY STEAL REAL PROPERTY FROM DEFENDANT. DEFENDANT GUARANTEES THAT PLAINTIFF WOULD NOT BE SO GRACIOUS IF SOMETHING WAS STOLEN FROM THEM.

SPECIFIC POINTS AND AUTHORITIES

- 1) PLAINTIFF SCHEDULED FD HEARING WITHOUT NOTIFYING DEFENDANT.
- 2) #1 WAS MENTIONED IN RESPONSE BUT COMMISSIONER FAILED TO ADDRESS.
- 3) COMMISSIONER AND PLAINTIFF WERE AWARE OF LACK OF PROPER SERVICE.
- 4) COURT WAS EMPHATICALLY DENIED JURISDICTION, UNDER A SPECIAL APPEARANCE AND COMMISSIONER KEPT GOING FORWARD WITH HEARING, AND SNEAKILY ATTEMPTING TO CAPTURE JURISDICTION WITH AFFIDAVIT.
- 5) DEFENDANT WAS NOT PROPERLY AND/OR PERSONALLY SERVED.
- 6) COMMISSIONER MOVED FORWARD TOWARD APPROVING ALTERNATE SERVICE, IN SPITE OF EVIDENCE POINTING TO THAT IT SHOULD BE DENIED.
- 7) BEFORE THE HEARING, COMMISSIONER TOLD THE GALLERY "TO TRY

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AND MAKE A DEAL WITH THE BANKS, YOU'LL BE ABLE TO STAY IN YOUR HOUSE LONGER."

- 8) STATEMENT #7 EVIDENCES COMMISSIONER BIAS, AND THAT A HOMEOWNER WILL NEVER RECEIVE A FAIR HEARING WITH THE COMMISSIONER.
- 9) DEFENDANT WAS NOT HOME DURING ATTEMPTED SERVICE, AS EVIDENCED IN NOTICE AND DEMAND AND NOTARIZED AFFIDAVITS OF
- 10) PROCESS SERVER SAMUEL NAVARRETTE COMMITTED PERJURY.
- 11) SAMUEL NAVARRETTE MADE BROAD AND FALSE ASSUMPTIONS, WHICH ARE NOT ACCEPTABLE FOR AN OFFICER OF THE COURT.
- 12) SAMUEL NAVARRETTE FILED THIS PERJURED AFFIDAVIT INTO A COURT CASE, CU2011-013143 WHICH IS A FELONY.
- 13) COMMISSIONER WAS AWARE OF ALL OF THESE EXTENUATING CIRCUMSTANCES BUT DID NOT RAISE THE TOPIC AND IN FACT HELPED THE PLAINTIFF BANK TO ACHIEVE ALTERNATIVE SERVICE.
- 14) MALCOLM & CISNEROS / KEVIN HAHN / DAMIAN RICHARD WERE AWARE THAT DEFENDANT WAS NOT PROPERLY SERVED, YET UNETHICALLY MOVED AHEAD, EVEN IF JUSTICE WAS SACRIFICED.
- 15) DEFENDANT INFORMED THE COURT THAT THIS CASE IS DISMISSED.
- 16) COMMISSIONER MOVED AHEAD, WITHOUT JURISDICTION, AND MADE SUBSEQUENT UNLAWFUL DECISIONS.
- 17) ~~JUDGE~~ COMMISSIONER NEEDS TO RECUSE HIMSELF FOR HIS RECKLESS BEHAVIOR, OR BE REMOVED, AS HE CANNOT CONTINUE TO ^{AND} IN A BIASED FASHION ALWAYS RULE FOR THE BANKS.
- 18) COMMISSIONER MORROW SHOULD NEVER HAVE ASKED DEFENDANT IF HE WOULD WAIVE PROCESS SERVICE, AND SHOULD HAVE JUST

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DISMISSED THE CASE.

19) DEFENDANT CANNOT IN ANY WAY IMAGINE THE COMMISSION ON JUDICIAL CONDUCT, NOT COMING TO A POSITIVE CONCLUSION FOR DEFENDANT.

IDEALLY, NO ONE SHOULD HAVE TO PUT IN A JUDICIAL COMPLAINT OF A JUDGE OR COMMISSIONER. THE PUBLIC EXPECTS FAIRNESS AND JUSTICE. UNFORTUNATELY, WHEN IT COMES TO BANK INVOLVEMENT, THERE IS A CONFLICT OF INTEREST. AS AN EXAMPLE, IF A COMMISSIONER RULES FOR THE DEFENDANT, THE COMMISSIONER'S RETIREMENT ACCOUNT SUFFERS AND IF COMMISSIONER RULES FOR THE PLAINTIFF/BANKS, THEN IT INCREASES HIS RETIREMENT ACCOUNT. THIS ABOVE STATEMENT IS TRUE, AND MORE AND MORE PEOPLE ARE BECOMING AWARE. PEOPLE KNOW THE FORECLOSURE WAVE WAS A WELL ORCHESTRATED WAVE AGAINST THE CITIZENS.

WHEN A CRIME IS COMMITTED, OR AN INJUSTICE IS DONE, A PERSON IS REQUIRED TO REPORT IT. JUST AS DEFENDANT FILED 2 PROCESS SERVER COMPLAINTS WITH THE CLERK OF THE COURT, ON JUNE 7, 2011 AND JULY 11, 2011, TO HAVE PROCESS SERVER SAMUEL NAVARRETTA'S LICENSE REVOKED. THE COMMISSION ON JUDICIAL CONDUCT IS IN A WAY A LAST LINE OF DEFENSE. IF JUDGES/COMMISSIONERS DO NOT CHANGE THEIR BIASED DECISIONS, THIS NATION WILL SUFFER. THIS NATION WILL TURN TO CHAOS. ETHICALLY, IT IS YOUR TURN TO DO THE RIGHT THING AND HELP IMPROVE OUR JUDICIAL SYSTEM. THANK YOU.

(Attach additional sheets as needed)