

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-218

Complainant: No. 1425810530A

Judge: No. 1425810530B

ORDER

The complainant alleged that a justice of the peace and a hearing officer misapplied the law in rulings each made in two cases filed against him by a finance company.

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 the information provided by the complainant, the court record, and the video recording of the hearing conducted by the hearing officer, the members of the commission found no evidence of ethical misconduct and concluded that the judicial officers did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of court decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: October 31, 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 October 31, 2011.

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

RE: CC2011-
To Whom It May Concern:

August 25th, 2011

Previous to this case, Judge _____ had overseen another case (CC2008-_____) regarding our dealing with AZ Consumer Financial, a payday loan company here in Arizona. The case had been dismissed in our favor after we successfully proved to the court that we paid cashiers check to them in full. The evidence had been taken into account, and the case was ultimately dismissed. However, AZCF returns three years later, tries to reopen the case under a different number and sues me over a supposed cashier's check that was proven to have been lost. They had explicitly admitted before Judge _____ by AZCF that in 2008, they lost the check that was issued by Bank of America. Our complaint is that our Hearing Officer _____ did not show any consideration, process or enthusiasm that one would expect from an official of the Court. He was presented with the evidence that had been given to Judge _____ three years prior. He then stated that he had to "take things under advisement" because even with the detailed evidence and documentation, we receive notice that he completely reversed the ruling and awarded AZCF a judgment of \$1,315.00. This sum was double the amount of the original check (\$635) and included claims of "damages". This was heard in a claims court, with no attorneys present. Their claims of "damages" holds no weight in this type of setting, if there were any damages in question they would have been on our behalf. There had been no itemized statement chronicling any type of damages or otherwise.

AZ Consumer Financial admittedly lost the cashiers check, preceded to lie under oath, and continually harass both my family and myself. Mr. _____ absolutely neglected to analyze the case before him and unjustly awarded our opponent double the amount originally contested. There is no reason why such a gross disregard for judicial process should have occurred. As such, we are filing accordingly as per our rights. Additionally, if what Mr. _____ claimed is true, then both Judge _____ and Mr. _____ should be held responsible for overturning a lawful ruling and obstructing justice from being upheld. Please find enclosed the evidence presented in both cases. Bank of America has confirmed that the cashiers check in question was put a stop payment on, by AZ Consumer Financial on the same date of the hearing. To further mock the court, they failed to produce any viable evidence in their defense, producing no itemized statements of our "charges" and further trashed their credibility when they persisted in dodging the questions that Mr. _____ had asked. AZ Consumer Financial has done nothing but lie, harass and threaten my family, and have proved their true colors time and time again. I am a sixty-one year old, unemployed man who is going through a foreclosure on my home. I cannot afford this astronomical judgment, any money that I have goes to feeding my family. My nineteen-year-old son is starting college this fall and due to this ordeal has no money left to purchase his books. This has caused a tremendous amount of anguish for my family.

We are asking that a full complaint be filed in response to this violation of judicial process. We feel that due to the lack of attention paid and in lieu of not having a judge presiding, this complaint is warranted. We have witnesses that can

testify to the behavior of Mr. _____ and of the events of that day if requested.
Any assistance that you can provide would be very much appreciated.

Sincerely,