

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-231

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Complainant: No. 1426940949A

Judge: No. 1426940949B

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**ORDER**

The complainant alleged that a justice court hearing officer allowed perjured testimony during a small claims hearing and issued a ruling containing several significant errors.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the hearing officer 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 members of the commission found no evidence of ethical misconduct and concluded that the hearing officer did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of the hearing officer's decision. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 3, 2011.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

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

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

September 12, 2011

SEP 13 2011

ARIZONA SUPREME COURT  
Commission On Jurisdiction Of Conducts  
1501 Washington St., Suite 229  
Phoenix, Az 85007

Re: Complaint of acting Judge Douglas at Yavapai  
County Courthouse. Case #2011

Dear Commission:

This letter is to reference a complaint against acting Judge  
at Yavapai County Courthouse, in the Small  
Claims Division, On 08-19-11 at 10:30am.

We, the Plaintiffs, are very disturbed that this acting Judge,  
knowingly allowed and condoned perjury in this Trial.

Also, we are disturbed that Mr. either through mistake  
or lack of knowledge, made untrue statements in his Narrative  
and RULING statement.

At the very beginning of the Trial, when the Plaintiffs were  
asked to begin, we pointed out the fact that the Defendant made  
a false statement in his Motion To Dismiss, dated 08-11-11.  
This statement, that can unequivocally be proven false, is in  
#3 where the Defendant writes "The 18 charges by Mr.  
were dismissed by the Registrar Of Contractors". Immediately,  
it was pointed out to Mr. that this was a false statement,  
that no charges had been dismissed by the Registrar Of Contractors.  
At this time, the Defendant made no comment, or try to justify  
his false statement. Also, Mr. did not ask the Defendant  
to explain, he completely ignored it. This had also been brought  
to the attention of Mr. in a Narrative written by the  
Plaintiffs, that a Citation had been issued and a Hearing was  
scheduled for September 29, 2011 by the Registrar Of Contractors.

If, in the very beginning of the Trial, some guidelines for  
truth had been established, that there would have been honesty  
in the Courtroom.

When the Trial was underway, Mr. [redacted] allowed the Defendant's wife to make a statement about the loss of a portfolio. This person was never on the job, and could never have firsthand knowledge about anything that occurred, or be a witness to anything in this case. When this fact was brought to the attention of the Judge, he did not question or ask the Defendants to clarify.

Also, during the Trial, the Defendant made a statement that the Plaintiffs were trying to collect on his Insurance. It was brought to the attention of Mr. [redacted] that this was an absolute lie. Again, Mr. [redacted] did nothing to clarify this statement, or try to find out the truth.

It is unbelievable that any Court in this United States would allow perjury to flourish in such a manner. It is true, that some statements can never be proven completely true or false, but when something can absolutely be proven false, that person should not be rewarded.

Also, we wish to point out a very disturbing situation, which are the pictures in the Small Claims docket. When the Defendant came unexpectedly early in the morning to pick up his equipment, we were not groomed to meet people for the day. We were having coffee in our home, not expecting an intrusion of a camera, and one of us did not have in dental partial, when the Defendant started taking pictures. The Defendant later developed these pictures, and made comic-like statements of his imagination and submitted them to Mr. [redacted] during the Trial. When Mr. [redacted] asked us if we objected to these pictures, we of course said "Yes they prove nothing" and Mr. [redacted] said "I agree", and handed them back to the Defendant. Later, after we received the ORDER GRANTING JUDGMENT, we went to see the docket inside of the Courthouse. In the Courthouse docket, these same pictures that Mr. [redacted] gave back to the Defendant, were inside of the docket!

In Mr. [redacted] Narrative on RULING he writes; (there is no reference in the contract establishing if those coats were to be sprayed or rolled). This is an incorrect statement, in the contract it clearly states "SPRAY AND BACK ROLL AND BRUSH ALL STUCCO. 2 COAT SYSTEM".

Also in the Narrative on RULING, Mr. [redacted] writes "Emerald's statement is silent as to the extent of the completed prep work". Emerald Forest Painting contract states "Repair Cracks". It is obvious, that not all of the cracks had been repaired by the Defendant.

Also in the Narrative on RULING, Mr. writes "The Court finds sufficient evidence to support the conclusion that a dispute and altercation occurred and that Defendants were ordered removed from the job by Plaintiffs". There is not one shred of evidence that the Plaintiffs removed Defendants from the job! The Defendant is the only person who said that they were removed from the job, and this was stated by the Defendant on the "Motion To Dismiss", the same paper as the perjured statement about the dismissal by the Registrar Of Contractors.

We are bringing this case to your attention because we feel that it is a terrible injustice to knowingly allow perjury in a Courtroom, and then reward the person for such. This Trial was not conducted in a manner of truth. Trials like this, make people think that it is OK to lie.

Because of this Trial, we are cancelling the Registrar of Contractors Hearing that is scheduled for later this month. We feel that Mr. RULING statements would cause us to receive an unfair Hearing.

Sincerely,