

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-257

Complainant: No. 1428910610A

Judge: No. 1428910610B

ORDER

The complainant alleged that a justice of the peace and pro tem justice of the peace mishandled his case and abused their authority by issuing a factually incorrect ruling.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judicial officers 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 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: November 23, 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 November 23, 2011.

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

CONTINUATION/CONTINUACION

October 5, 2011

My name is _____ I am requesting:

- 1. an investigation into the Pinetop Lakeside Justice and Magistrate Court ,
_____ Presiding Judge and a Visiting Judge _____ on 6/8/2011 of abuse
of power and/or misuse of public office.
- 2. I am also requesting the Visiting Judge _____ be suspended from
conducting hearings within the Pinetop-Lakeside Justice court until the investigation
is completed.
- 3. I am requesting Judge _____ not be allowed to hear any continuance of my
case should there be.
- 4. I am also requesting as the investigation finds the visiting Judge _____
misused his authority, and he and others involved be appropriately disciplined.
- 5. I am requesting the Judgment rendered against _____ be reversed.
_____ is not my wife and has not lived at _____ since 1991.
- 6. I am requesting Discover Bank, Subsidiary of Discover Financial Services be
investigated. Discover Financial Services received \$1,224,558,000 in Federal Bailout
money concerning uncollected debt.

Events:

I, _____ was served papers on March 23, 2011 to
appear Pinetop Lakeside Justice Court; Case CV2011- _____ within 20 days of receipt of
summons. I responded in writing stating I had no knowledge of the debt and requested copies

DA

of statement of purchases. See Attached documents (I had a Discover Card which was closed in 2005) I did not receive copies of the statements.

The hearing was scheduled for June 8, 2011. I appeared before Judge _____ at the appointed time. Discover Bank representatives failed to appear or respond at the hearing. Judge _____ the issued a continuance until July 14, 2011 to allow Discover Bank to appear.

On July 14, 2011, I appeared for the hearing and Discover Bank failed to appear at the appointed time. The Visiting Judge _____ called the hearing to order at the appropriate time and then waited ten (10) minutes for Discover Bank to call into the court. Discover Bank representatives did not call. The Judge _____ excused himself from the court room. When he left he stated that he would dismiss the claim if the Plaintiff did not call within 15 minutes of the start time of the hearing. He returned to the court room 18 minutes after the court start time and then he made the statement the Discover Bank Representative just called. He then ordered both parties to meet to discuss the matter and provided the telephone number of Frederick Dias, Attorney, 480 _____ He then scheduled a follow-up hearing for file review for October 12, 2011.

Immediately after the hearing I telephoned Mr. Dias and requested copies of the documents showing my purchases. He said he would get back to me. I called on three separate occasions leaving messages for Mr. Dias to contact me. To this date he has not nor did he provide any documentation showing purchases were made by me. I need those copies to determine if identity theft is involved.

On October 4, 2011, I received a copy of a judgment against _____ (only) who is not my wife as stated in the documentation, for the case CV2011-_____. I went immediately to

the Justice of the Court building to talk to the Judge but was told I could not speak to him. I was informed I would need to call in or appear at the October 12, 2011 appointed time.

Indications are the current documents were mailed to _____ . Home delivery to that address was not established and mail was only to _____ No contact was made with _____ at any time.

I again deny owing Discover Bank any money. My Discover Card was terminated in 2005.

I feel that the case should have been completed as filed with appropriate hearing dates. I feel the Kaplan Law firm is attempting to circumvent the law. They have misrepresented their association with Discover Bank.