

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-093

Complainant: No. 1439510970A

Judge: No. 1439510970B

ORDER

The complainant alleged that a superior court judge was improperly sitting on the board of a non-profit that engages in lobbying and political activity. The complainant further alleged the judge's spouse is the president and chief lobbyist for the organization.

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 and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 29, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on June 29, 2012.

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

Upon information and belief, I believe Judge _____ is unethically involved with political activity in Arizona.

On April 2, 2012, I personally visited the office of the Center for Arizona Policy, a 501 c 3 organization, and personally reviewed the Form 990 reports filed by the Center for Arizona Policy for all years. (The Form 990 is the reporting form to the Internal Revenue Service that 501 c 3 organizations are required to file if the organization has sufficient income during its fiscal year.) I noted that Judge _____ is listed as a member of the Board of Directors of the Center for Arizona Policy for almost all years on the Center for Arizona Policy's Form 990 reports.

The Center for Arizona Policy conducts extensive lobbying and political activity in Arizona, and this is well documented in the Form 990s for all years for the organization, as well as the media in Arizona. The lead lobbyist for the Center for Arizona Policy is Judge _____ wife. She has also received more than \$1.2 million in salary and compensation during her time with the Center for Arizona Policy, where she has been the Director of Policy and President. _____ is also listed as the lobbyist for the Center for Arizona Policy on the Arizona Secretary of State's website.

I also noted during my inspection of the Center for Arizona Policy's Form 990 reports that there is a 501 c 4 organization named the Citizens for Arizona Policy that has a close relationship with the Center for Arizona Policy. The 2006 Form 990 for the Center for Arizona Policy mentions that Citizens for Arizona Policy, a c 4 organization, conducts joint efforts towards common goals; that Citizens for Arizona Policy is a member organization with the Center for Arizona Policy being the only member; and the Center for Arizona Policy's Board of Directors must approve the Directors for Citizens for Arizona Policy.

Given Judge _____ close relationship with this powerful organization (Center for Arizona Policy) noted for its lobbying here in Arizona, between being on the Board and his wife's role in the organization, as well as the 501 c 4 activities, it appears to me that Judge _____ is violating judicial ethics regarding political activity.

I request a complete investigation, and if appropriate, proper disciplinary action.