

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-279

Complainant: No. 1453510211A

Judge: No. 1453510211B

ORDER

The complainant alleged that a superior court judge violated the law and his legal rights by failing to divide marital assets equally in his dissolution case and by failing to hold his ex-wife in contempt for violating court orders.

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 electronic court records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: November 15, 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 November 15, 2012.

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

October 11, 2012

To: Commission of Judicial Conduct

RE: Judge

This letter is in response to my complaint against Judge Randolph _____ of the Mohave County Superior Court Division 2. I am in the process of a divorce which _____ presides as Judge. I have been denied my right as citizen of this Country by denying my right to due process. I have also been denied my rights to fair and legal proceedings by decisions with no basis to law or facts. As a matter of fact I have due the process by ignoring the basis of the law and fact presented. I have been denied the right of protection from the petitioner's actions against me the respondent. I have been denied the right to explanation as to basis of law or facts to decisions by the courts. I have been denied motions to appear due to petitioners actions against violation of court orders and actions from the petitioner which has destroys elements of the settlement process that was filed by me the respondent. I have been denied my right to the State mandate of equal property distribution without any explanation, facts or basis of law. The decision actually contradicts basis of law and facts. I have been denied with supporting evidence in my favor reimbursement of attorney fees from petitioner for petitioner's actions. Instead attorney fees were awarded to petitioner without basis of law or facts. It was contrary to the facts presented or without explanation. I have denied my rights to defend myself. All facts presented by respondent have been ignored and decisions made based on petitioners hearsay without proof, facts or basis of law. Any time respondent tries to bring up truth with documented facts or errors by the courts respondent is either ignored or chastised. Below will be examples that could be proven by facts disclosed to the courts yet ignored.

1. Court orders from Sept 27, 2011 were incorrectly done by petitioner's attorney. Per the court transcript, the petitioner and respondent made agreements that were presented to the courts by the petitioner's attorney. The agreement was that we would split all income in our insurance business and I would split trails from my existing financial clients. The Judge even has to insight to ask petitioners counsel about any new business written by both of us since we were would be both operating our own insurance agency and splitting the existing business. This is on record. Then the petitioner's attorney drafted the court orders which was not consistent to our agreement told to Judge _____ by him. Since the petitioner has violated our agreement that is on record. This was brought up to the courts attention during trial and since through motions only to be ignored without any explanation from the courts. Petitioner has even ignored court order from this proceedings that petitioner has ignored to complete access by both parties to all the business screens and activities. Again, the court has ignored pleas from the respondent on this issue as well.
2. We again appeared in front of Judge _____ in December 20, 2012. This was a TRO for the fact I had pulled money out of a joint account to pay my attorney. The very thing the petitioner did on several occasions prior to the TRO. Prior to The TRO the petitioner had pulled money out of

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joint accounts to pay her attorney and other personal items. I pulled money out of a joint mutual fund and gave half to petitioner and the other half to my attorney. The petitioner tried to have me arrested and have my financial license revoked for this action. In the meantime petitioner denied my access to a credit card in her name. I was never given the credit card which was mailed to the petitioner. The day of the court date, petitioners attorney submit paperwork that I had lowered the limits on petitioner's credit card under respondent's name. I was given contempt of court on this issue. It was brought up to the courts attention about petitioners actions of withholding respondent's credit card without any actions to the petitioner. Petitioner was ordered by the courts to allow me to inventory the premises of the petitioner for settlement purposes. The court did find petitioner in violation for not allowing me to inventory. Petitioner even on the stand admitted to removing personal property prior to respondent finally allowed to inventory, thus not allowing the respondent the ability to do a full inventory distorting the personal property distribution settlement. It was then decided without basis to law, facts or explanation from the courts as to where it derived its decision but the courts had decided that all jewelry is presumed the woman's. Even jewelry acquired during the marriage. A decision without any merit, basis of law or facts. As a matter of fact, every judge and attorney I have talked to has never heard of this. As to respect the courts, respondent then asked the court to then be consistent and award the respondent all the sports memorabilia under the same ruling he came up with for the jewelry without explanation. The respondent was denied this by the courts making the ruling unfair in the State mandated equal distribution. Also, the fact petitioner took almost everything in the household and to this date failed to allow the respondent the ability to inventory everything creating an unequal distribution of personal property mandated by Arizona State law. Since the courts have ruled there is equal distribution without merit or basis of law or facts violates the Arizona State mandate of equal distribution.

3. On March 14 & 15, 2012, we again were in front of Judge _____ for our trial to end this divorce which was initiated by the respondent to try to get this divorce over. In the trial, petitioner was able to make judge _____ believe she was out 40,000 dollars from a joint savings account when in fact the documentation proves the petitioner was in fact up by 9,000 from the money petitioner took out of the account. Petitioners attorney was able to use _____ incorporate into the trial items that were not disclosed such as liability for an ex-employee, paperwork about the split of the book of business. A petitioner attorney was in possession of paperwork showing there was no liability to an ex-employee but allowed to beat respondent up as if there was deceiving the courts. Also, Petitioners attorney was allowed to take a portion of a letter sent from respondent's attorney to petitioners attorney giving petitioner three options to the final list of the split of clients. Once again the petitioner's attorney was able to deceive the courts and it was allowed by the courts disregarding the objections from respondent's attorney.
4. Equal distribution of real personal property was once again violated by the courts which is mandated by the State of Arizona. On, September 27, 2011 respondent to speed up the divorce proceed gave the petitioner the option to take the commercial building or the personal residence. Respondent was told by legal counsel, judges and other attorneys that is the process the values would be determined when it comes to the settlement. On March 14 7 15, 2012 for the trial to settle this divorce, respondent disclosed paperwork to reflect the values of the

commercial building and residential residence. Petitioner disclosed nothing and only gave her opinion on what she believed the values were without any supporting documentation. The petitioner's attorney then tried to claim it was an even swap and that the respondent should have brought that up if it was not with no burden to the petitioner. Since Judge [redacted] has ignored the facts and the basis of law and the State Mandate of equal distribution and ruled that both properties are equal without merit, basis of law or explanation as to his conclusion awarding the petitioner \$110,000 difference in equity. [redacted] ignored the actual documentation disclosed on values costing the respondent \$110,000 in equity that should have been included in the settlement. [redacted] again ignored this without merit, basis of law or explanation after an objection was lodged with the courts. No explanation to his decision or basis of law.

5. On Aug 16th, 2012 a notice of lodging was disclosed by petitioners attorney after motions filed by respondent against petitioner prior to this lodging. The motions were for contempt of court against petitioner for her actions in violating court orders and destroying items of the settlement. Notice of lodging, motions and objection to lodging enclosed. The motions filed by respondent were ignored by the courts and a ruling was made. Rulings made without basis to law or facts disclosed. Petitioner was awarded values to part of the business that petitioner has already taken. Actual documentation disclosed showing the corrected amounts were also ignored. Distribution of personal and real property was unfairly distributed ignoring the facts or basis of law.
6. Respondent made a lot of in kind support with documentation to this support which was over ruled by Judge [redacted]. Petitioner was awarded back child support without taking in consideration the in kind support that is documented.
7. The court's rulings on issues such as property, outstanding debt, value were based on hearsay from petitioner without support documentation ignoring the actual documents disclosed by the petitioner.
8. Failure to allow respondent the motions filed violating respondents rights to a fair dissolution of marriage awarded his by the State of Arizona.
9. [redacted] has also ignored motions filed by the respondent on several occasions to change the beneficiary of all life insurance to benefit the kids. Respondent is in recovery from Leukemia. The petitioner would benefit solely benefit from the respondent's death in the event his Leukemia would reoccur. This has been ignored by Judge [redacted] on several occasions
10. The court has ordered on several occasions that both parties get together and resolve issues and get this over with. Respondent has on maybe thirty occasions made settlement offers to petitioner. Petitioner has failed to ever make an offer or try to negotiate an offer. This violating orders from Judge [redacted]. Instead the action of the petitioner has prompted the respondent to incur more attorney fees. This was brought up to [redacted] attention. Petitioner has tried to have respondent arrested, financial license revoked, insurance license revoked, interfered with respondents mail, ignored judge's order and taken money out of accounts creating accounts to be short on funds for outstanding bills (incurring cost for respondent) along with other numerous actions by petitioner against respondent which have been brought up to the courts attention only to be ignored. [redacted] response to the settlement offers was how does he

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know if they are fair. Thus, with all the facts, documentation presented to Judge [redacted] and [redacted] ignored, he awarded the petitioner reimbursement of all legal fees. Again, ignoring facts, motions, basis of law or without explanation as to the conclusion. Respondent on August 20, 2012 in the objection to lodging decree which is included enclosed a copy of a settlement offer to show [redacted] that the offers were in fact more than fair to Petitioner. To this date of Oct 11, 2012 petitioner has made no attempt to negotiate or settle this divorce. Ignoring the facts, documents disclosed to [redacted] and basis of law in petitioners no attempt to settle or even try to settle the divorce [redacted] ruled again respondent to pay all legal fees for Petitioner. No explanation to the conclusion for this decision or basis of law or facts for the basis of this decision.

11. Respondent's rights have been allowed to be violated by petitioner while still recovering from leukemia. The lack of response from [redacted] and ignoring the basis of law and facts presented without any actions to the petitioner for her actions has violated the rights that protect the respondent by the laws of the State of Arizona thus putting the risk of relapse for the leukemia at a higher rate in which the petitioner would be the sole benefactor to respondents death.
12. The notice of lodging even ignores community debt which puts the burden on the respondent to pay back and not the petitioner.
13. Notice orders respondent to restore a credit card to petitioner that respondent will be the only one responsible to pay back allowing the petitioner to hurt the respondent's credit score. It also ignores the fact the petitioner did the same with a credit card prior and does not order petitioner to restore that card to respondent. Both cards should not be restored. It also fails to order the petitioner to be responsible for the debt that was for personal use post filing that could affect only the respondent. Again, unfair distribution of property and debt.

This case has been so one sided. It has been so bad everything my attorney disclosed is ignored by Bartlett even if it is the truth and fact. It has been so bad the the petitioners attorney Paul Lenkowsky has even mentioned it to another judge in the county. Mr. Lenkowsky told Judge Gurtler that he was told by Lenkowsky "I do not know what Eric did to [redacted] but [redacted] is beating up Eric." This is the only case between Eric Engan and Paul Lenkowsky in front of Judge [redacted] That is how onesided and bad this case has been.

Some other examples, the petitioner discloses an over inflated value for our outside business and even states on the paperwork that the values are not accurate. I disclose the actual 1099 forms which are what we actually made and Bartlett adopts her paperwork in the settlement. This is the same outside business the respondent is now suppose to pay the petitioner that the petitioner has taken already. Respondent is to pay petitioner for business petitioner now has. Again, unfair distribution violating the state mandate. A motion to this has been filed and was filed before [redacted] ruling only to be ignored by [redacted] The petitioner is walking away with a majority personal and real property distribution and respondent is walking away with a majority of community debt. Respondent is also ordered to pay petitioners attorney fees ignoring the facts, documentation basis of law that should have been awarded to respondent not petitioner. This violates the State mandate for equal distribution, it violates the facts in which law is bases upon, and it violates the basis of law without conclusion as to law or explanation.

Even in the lodging decree it does nothing but beat up the respondent and mentions nothing of the petitioner actions which to this continue to be ignored by Judge

I only want the protection awarded me by law from petitioner and Judge that is awarded me as a citizen of this country and a citizen of the State of Arizona. I want what is fair for both parties as petitioner is also awarded these rights. I want the laws of this State followed and the fair trial I am awarded as a citizen. No human being should be treated the way I have been treated by the petitioner or by Judge I have even been yelled by him for shaking my head which I do normally without knowing all the time.

Respectfully Yours,