

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-066

Judge:	No. 1453510211A
Complainant:	No. 1453510211B

ORDER

The complainant alleged a superior court judge improperly changed an established agreement between the parties and continues to make erroneous rulings.

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 all the information provided by the complainant, 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 court rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 26, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on April 26, 2013.

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

Arizona Commission on Judicial Conduct

March 19, 2013

RE:

I am filing another complaint against the presiding Judge [redacted] I am filing knowing it may not have any effect as it seems nothing does not even the truth. My case continues with the help of Judge [redacted] at my expense due to the Judge refuses to acknowledge issues brought to his attention. Last Friday, 3-15-13 we were before Judge [redacted] again. We had an agreement on record from both Petitioner [redacted] and Respondent [redacted] Almost 18 months after the agreement on record [redacted] changed it costing respondent. We have an insurance business which we are splitting. The agencies are much intertwined. The Petitioner has opened her own agency and we were to split the existing clientele when the split agreement can be worked out. In the meantime the agreement was to split all income and be transparent so each party could see what the other party is doing. I have upheld the agreement and the petitioner violated the agreement stipulated on record. [redacted] then overturned the agreement 3/15/13. I write a lot more business than petitioner and have split those with her only to be told 18 months later it violates the sole and separate property even though both parties agreed to split. Since then the petitioner has taken clients that we are suppose to split. To help the process up, I let the petitioner do the split of clients to speed up the process only to have her decline to sign and get the Judge to order us to redo the list. This has been a constant theme for the petitioner to prolong this divorce. It was ordered that I pay all legal fees so it is also at my expense. I have been order to pay a sum of money to the petitioner for our outside book of business. I was awarded these by Judge [redacted] only to have the petitioner take a majority of these insurance policies. She perjured herself on the stand, leading the courts to believe that she could not write business outside of Farmers Insurance and had no access to these policies. This being brought up to the Judges attention has refused to hear and acknowledge these issues. For the sake of the integrity of our legal system one would think a judge would be concerned with these issues. To even further the matter, the judge's amount is the same amount the petitioner disclosed amount. On her paperwork she even states the amounts are wrong. (See attached paperwork) I disclosed the actual 1099's as to the amounts actually earned only for the judge to ignore. Any appeals court would come to one conclusion, why did Judge [redacted] ignore the actual amounts made. Her paperwork was drawn up by her without any proof that she got it from the accountant or tax paperwork to back it up. Yet again, the actual 1099's are ignored. When asked by my legal counsel in court on 3/15/13, the judge said these were the figures he came up with. My lawyer then asked even if they do not match the actual 1099's and the judge said yes that is what he came up with. The average was \$52,000 and I am ordered to pay \$73,000. I am even paying for commissions with a company called American Reliable that released my contract with them pre-filing (see attached paperwork which we disclosed to the courts and it ignored. That is \$20,000 I am paying for a company I stopped representing pre-filing. I am also paying for a company American Summit which I was told by Farmers Insurance I could no longer represent post filing that we disclosed to the courts. I am paying \$5,000 for that to petitioner. So, out of the \$52,000 on the 1099's, \$28,000 is commissions with companies I can no longer represent. That is the premise of his decision for her as she perjured herself leading the courts to believe she could not write outside business. We disclosed all this and the petitioner disclosed nothing to prove her testimony yet the courts ignored this and ruled that I

pay an amount it came up with. Wow!! The court even ignored lies from opposing counsel when they tried to deny re-writes and the judge just refused to acknowledge. How one can pay for something they did not actually make and how can one pay for something that was taken by the person they are suppose to pay. Yet, the court wants to sign a decree knowing all of this before it signs the decree. As for legal fees, I have tried everything to end this divorce with the exception of saying take everything. We are continually ordered to get together and work it out but the other side does not respond back. Example, the quick claim deed for the properties, we have been trying for 7 months to get these executed. We go into court and Judge asks why these have not been done. Opposing counsel say we do not know why, we sent the paperwork and they (meaning me) did not sign it. They have ignored us for 7 months, will not respond then they tell the judge this statement. My counsel then states that we just got the paperwork a few days before court and we had been trying to get it for months. They lied to the courts only for the courts to ignore. It is so bad, that when we were in opposing counsel's office he joked that he was on the clock. Yeah, at my expense! Yet, they are able to lie, ignore court orders, and falsely report the facts to the courts only as if they know nothing will happen to them. WHY!!!!

As for child support, we petitioned the court about our in kind support which I was told by other judges in the county is accepted by the courts. The comment gave was a trip to England is not in kind support. We were not seeking that. It was the mortgage, utilities, food, credit card bills I paid for the petitioner. Those were his comments on record. Yes, I went to England as a chaperone for the High School soccer team. I was going to cancel, but the petitioner told me I had to go and she would help with the food etc. If I did not go I would be letting our daughter down. I have the emails to prove this, then when I got back she refused to reimburse me. In court they brought up the trip; look at respondent going to England when in fact petitioner talked me out of cancelling. The trip was already prepaid prior to filing and we never made claim for in kind support but that per is why I am not getting in kind support.

As for the decree, Judge had a phone conference with us to have wording taken out because it violated my right to appeals. The petitioner's attorney failed to remove them forcing us back in front of Judge to have them removed. (At my expense) Not one word to opposing counsel for ignoring his orders. This seems to be a theme. They continue to ignore without consequences from the courts. As for legal fees, I know the amount has not been pre-filled and could possibly be an amount of zero, but the way this case has gone very unlikely. The petitioner and her legal counsel have reported the facts falsely, lied to the courts and continue to stall at my expense and with great financial benefit to the petitioner only for the judge to continue to ignore as these facts are brought to his attention. Again, WHY!!!!!!

The decree states that there is no equity due to paperwork disclosed by me on values were well after filing which is a false statement. We purchased our home 1 ½ months before filing and the comps on the commercial building were a month after filing. This gives Petitioner 80,000 in equity without paying violating the Arizona Statutes of fair and equitable distribution. The courts also ruled that jewelry purchased during marriage is automatically her and part of community property. Then it is silent on the sports memorabilia which then should be handled in the same manner as the jewelry, but again the courts refuses and is silent on this issue, WHY!!!! Funny thing, the opposing counsel's case references such as Hrudka vs Hrudka supports our position and is ignored by the courts. Again, WHY!!!!

We have brought up to the courts attention the perjury made by Petitioner which influenced his decision, facts being reported falsely, things awarded to me have already been taken by the petitioner yet I still have to pay for them only to fall on deaf ears. Again, WHY!!!!

I spent the whole time we were in court on treatment for cancer. I was on a form of chemo all the way up to June 2012, I have been attacked, threatened, she tried to have my financial license and insurance licensed taken away(which would have benefited her financially), my mail interrupted by her and we even believe there was an attempt on my life only for the courts to ignore. Again, WHY!!!!

Last, legal fees were awarded to her because I was forced to pull money out of my life insurance to pay legal fees and got a loan in which I had to lower her credit card limit on an account to my business after she cleaned out the business savings account and got rid of my credit card with a bigger limit causing financial disparity to me. I was force to do this to pay for my attorney after her actions. The ruling was I pay because I caused financial hardship with my actions, when in facts her actions prior to me caused financial hardship to me forcing me to do this yet the courts will not even acknowledge the fact she cleaned out the savings account post filing and got rid of my credit card post filing pre my actions.

Again, WHY!!!!!!! Funny how the cases studies used by opposing counsel all support our positions yet the courts even ignore those case studies presented by opposing counsel. Did the judge even look!!! It is almost like opposing counsel is mocking my legal counsel and the courts by doing this.

Was the case before mine with my legal counsel in front of the reason why he is ignoring everything we bring before him or the fact that I was on a form of Chemo and was somewhat scattered brain on the stand or is there another reason why everything is ignored? When the facts are presented to the appeals process, they will come up with one conclusion and that is why was Judge ignoring everything and the truth, but this should not have to go to appeals and cost me more money if the courts truly cared about the integrity of our laws and the truth and its legacy. I may even have to pay for her contempt of court and repay the ½ of the 8500 she paid her counsel out of community money. WOW!!! The 8500 she cleaned the saving account out to pay forcing me to pull money out of the life insurance to pay my counsel. The judge has so many outs and opportunities given to him by the actions of the other side to do the right thing, preserve the integrity of his courtroom yet still refuses to acknowledge them. I would have loved to be on the stand with a clear mind and not on some form of chemo but may never get that chance.

A man or even a human being should not have to fight for their life against cancer and again for their survival in court. I am forced to fight for my life again and may even lose my house due to this because the other side has lied under oath, intentionally stalled this forcing me to spend more money to defend myself when the court could look at all the facts and protect me just as it is suppose to protect the other side. I know this may go nowhere, but felt I should file this so it is on the record. I pray that no other person who is going through cancer treatments ever ends up in this courtroom.

Respectfully Yours,